

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
JUNE 19, 2006

RATHBUN REGIONAL WATER PLANT
16166 HWY J29
CENTERVILLE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Jerry Peckumn at 10:00 a.m. on June 19, 2006 at the Rathbun Regional Water Treatment Plant in Centerville, Iowa.

COMMISSIONERS PRESENT -

Suzanne Morrow
Jerry Peckumn, Chair
Donna Buell
Francis Thicke, Vice Chair – arrived at 10:20 a.m.
Mary Gail Scott
David Petty
Henry Marquard – arrived at 10:40 a.m.

COMMISSIONERS ABSENT

Lisa Davis Cook, Secretary
Darrell Hanson

ADOPTION OF AGENDA

Motion was made by David Petty to take up item 20 – final rule regarding department evaluation of construction permits after public participation. Seconded by Donna Buell. Motion carried unanimously.

Motion was made by Donna Buell to withdraw item 8- Contract with Iowa Materials Exchange. Seconded by Sue Morrow. Motion carried unanimously.

Motion was made by David Petty to approve the agenda as amended. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by David Petty to approve the minutes as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTORS REMARKS

Jeff Vonk said the department will be presenting the final rule – amendment to rule regarding department evaluation of construction permits for animal feeding operations today. This rule has generated a lot of discussion, comment and legislative action. We believe that this additional criteria is important to Iowa and Iowans to protect the environment when reviewing permits for large scale animal feeding operations. SF2377 was passed by majority in both Houses, which Governor Vilsack rightly vetoed that bill as an attempt to undermine the ability of this department to perform it's core mission, that being protecting the environment for the state of Iowa. This rule is not nearly as broad nor as vague as its opponents have alleged. As you know, the rule is quite specific in defining the areas of environmental consideration that we will be looking at. Because of the specificity, it will not have near the impact that some proponents of the rule think it will. It is important to note that the decisions made by the department using these criteria are appealable to this commission. It is not simply one person who will have all the power and authority over an industry that is growing by leaps and bounds. The rule does not vest over reaching authority in the DNR director, this rule does provide for better balance between avoiding adverse environmental impact by allowing for continued growth of a booming industry in the state of Iowa. I want to assure those here today that if the commission approves the rule, we will use it judicially and not use it in an over reaching and over bearing manner. I would urge the Commission to approve the final version of this rule which is so important to Iowa and the citizens of this state.

Jerry Peckumn said that he has heard that this rule will make you a dictator.

Jeff Vonk said that is not true. The facts are that this rule is quite specific in the areas that we will use it. It's important again to note that if an individual disagrees with the decision or use of this rule, they can appeal the decision to the Commission.

INFORMATIONAL ONLY

CONTRACT – IOWA STATE UNIVERSITY – INTENSIVE LAKE MONITORING

Tim Hall, Bureau Chief of Water Quality in the Environmental Services Division presented the following item.

The Department requests Commission approval of a \$208,484 contract with Dr. John Downing to conduct lake monitoring during the summer of 2006.

This contract begins a new, three year project to examine the biological quality of Iowa's lakes (this contract Specifically, the purpose of the project is to provide the Iowa Department of Natural Resources with lake monitoring data, including water chemistry, biological and limnological analyses on Iowa's most important and diagnostic lakes and a selection of lakes that have not heretofore been the subject of regular monitoring. This monitoring data will have many uses (e.g., lake classification for restoration, water quality evaluation, monitoring), will

follow-up on similar surveys published in 1980 and 1994, and continue systematic monitoring performed from 2000-2005. Further, the study will provide analyses discriminating lakes with water quality leading to good biotic ecosystem health from those with poorer ecological integrity. This will allow determination of reference conditions, or “least disturbed condition” in Iowa’s natural vs constructed lakes, shallow vs deep lakes, and across lakes in the diverse geographical regions of the state (e.g., ecoregion or HUC6 watersheds).

Work Products include

- Full lake survey with all lakes comparable including 35 new lakes from the “B” list.
- First systematic analysis of sublittoral macrobenthos in Iowa lakes.
- Collection of sediment diatom reference samples for paleolimnological use.
- Full profiles of several important chemical and physical parameters.
- Electronic data products linking physical, chemical and biological data.
- Formatting of data for STORET input or other database format.
- Analyses of comparative ecological integrity across the range of Iowa’s lake ecosystems including biotic characteristics of the “least disturbed condition” often referred to as “reference condition” for natural and constructed lakes, shallow and deep lakes, and lakes across the geographic regions of Iowa.
- Discriminant analysis showing water quality variables impacting biotic water quality.
- Breakpoint analysis to determine criterion levels of water quality measures.
- ISU will provide reports in a web-based format.
- ISU will provide IDNR with 3 copies of the report in paper format each year, if desired.
- Reports will be made available in pdf format on the web.
- ISU will distribute paper copies of the reports to the community at a moderate cost.
- Data and information will be posted on the Iowa Lakes Information System in as near real-time as is practically possible.

Funding for this contract comes from the Environment First Infrastructure Funds.

Milestone Schedule:

- May15, 2006 – Commence 2006 field work.
- January 31, 2007 – Submit 2006 report summarizing data collected during summer 2005.
- May15, 2007 – Commence 2007 field work.
- June 30, 2007 – Annual interpretive report on biological integrity, discriminant analysis and breakpoint (criterion) analysis.
- January 31, 2008 – Submit 2007 report summarizing data collected during summer 2005.
- May15, 2008 – Commence 2006 field work.
- June 30, 2008 – Annual interpretive report on biological integrity, discriminant analysis and breakpoint (criterion) analysis.
- January 31, 2009 – Submit 2006 report summarizing data collected during summer 2005.
- June 30, 2009 – Final interpretive report on biological integrity, discriminant analysis and breakpoint (criterion) analysis.

Motion was made by David Petty to approve the contract as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - IOWA COOPERATIVE FISH AND WILDLIFE RESEARCH UNIT AT IOWA STATE UNIVERSITY FOR STREAM HABITAT ASSESSMENT

Tim Hall, Bureau Chief of Water Quality in the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract in the amount of \$68,804 with the Iowa Cooperative Fish and Wildlife Research Unit at Iowa State University for stream habitat assessment.

This contract builds upon existing efforts by the Iowa Department of Natural Resources to assess the biological health of Iowa's stream resources. For the past two years, the DNR has been monitoring water chemistry, fish populations, benthic macroinvertebrate populations, and sediment and fish tissue contamination as part of an EPA initiative: The Regional Environmental Monitoring and Assessment Program (REMAP). While stream habitat is also an important component of aquatic system health, it has not been intensively monitored as part of the current program due to labor costs associated with collecting this type of data. The DNR proposes to work with Dr. Clay Pierce of the Iowa Cooperative Fish and Wildlife Research Unit at Iowa State University to collect stream habitat data. This project will collect the necessary habitat at the randomly selected REMAP sites. This contract represents the third year of a three year project and provides funding for data collection, analysis, and reporting for 52 stream sites.

Objectives of the project include:

1. Quantify stream habitat conditions in 45 sites per year throughout Iowa, representing 2nd-through 5th-order streams and all major ecological subregions.
2. Determine and describe relationships of stream habitat with fish communities, invertebrate communities, stream reach characteristics, land use and ecological subregions.
3. Identify ecoregion, stream reach and land use characteristics associated with good stream habitat conditions.
4. Identify stream habitat characteristics associated with good invertebrate and fish communities.
5. Evaluate and recommend habitat mitigation and rehabilitation alternatives.

The project will use standard EPA protocols for the collection of stream habitat data and therefore ensure compatibility with data collected in surveys from other parts of the United States. Results from these surveys can be joined to form a regional or national assessment that is consistent across geopolitical boundaries.

Funding for this agreement is from the Environment First Fund.

Appendix A – Year 1 Budget

	FY07 Budget	
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Salaries & Wages	Graduate Student (12 mo x \$1632/mo)	\$19,584
	Seasonal Technician (\$9.00/hr x 40hr x 14wk)	\$5,040
	GIS Analyst P-13 (1 mo x \$3309/mo)	\$3,309
Benefits	Graduate Student (11.5%)	\$2,252
	Seasonal Technician (12%)	\$605
	GIS Analyst P-13 (32.5%)	\$1,075
Student tuition	1/2 in-state graduate tuition (\$3726 for acad. yr, \$1038 for summer)	\$4,764
Travel	per diem; fieldwork (\$31/dy x 2 people x 45dy)	\$2,790
	lodging; fieldwork (\$45/dy x 2 people x 45dy)	\$4,050
	vehicle; fieldwork (\$0.45/mi x 350mi x 45 trips)	\$7,088
	meetings (coordinate with DNR staff and present results)	\$2,000
Equipment		0
Supplies	chest waders (2 pair)	\$300
	other (waterproof paper, etc.)	\$200
Misc.	Cellular phone, copying, instrument maintenance and calibration, etc.	\$1,557
	Taxonomic consultation (\$330/sample x 43 samples)	\$14,190
Total Direct Cost	Cost to DNR in FY07	\$68,804
Indirect Cost*	Waiver of standard 47% overhead by Iowa State University	\$30,099
Total Project Cost	Direct+ Indirect Costs	\$98,903
*Indirect cost is 0% according to Cooperative Agreement 1434-HQ-97-RU-01560.		
The University's full provisional rate was 46% in FY04-05 and 47% in FY06-07.		

Mary Gail Scott asked if we've had other stream habitat assessment contracts.

Tim hall said that he doesn't believe so, we try to make sure that we are not duplicating efforts. I will bring a flowchart of all water monitoring contracts and how they relate to each other.

Donna Buell said that a chart will be very helpful.

Motion was made by Donna Buell to approve the contract as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – IOWA STATE UNIVERSITY – WETLAND BIOLOGICAL MONITORING

Tim Hall, Bureau Chief of Water Quality in the Environmental Services Division presented the following item.

The Department requests Commission approval of a \$34,261 contract with Dr. Tim Stewart to develop indicators of biological integrity for Iowa's wetlands.

This contract begins a new, two year project to develop indicators of biological integrity for Iowa's wetland ecosystems. The primary objective of this study is to use macroinvertebrate assemblage characteristics to develop an Index of Biotic Integrity (IBI) for semi permanent and permanent wetlands of Iowa's Des Moines Lobe ecoregion. Macroinvertebrate assemblages will be sampled from 30 wetlands that appear to range from minimally impacted to severely degraded by human influence. Statistical analysis will be used to identify macroinvertebrate assemblage characteristics that are strongly related to physical and chemical indicators, and other biological indicators, of wetland ecosystem health. Approximately 8-12 assemblage characteristics that reflect ecosystem health will be selected as IBI metrics. Last, scores from metrics will be summed to produce an IBI that provides a single quantitative measure of overall wetland ecosystem health.

This IBI will facilitate protection and restoration of Iowa wetlands by summarizing complex ecological information in the form of a single quantitative measure of ecosystem health that can be easily interpreted by and communicated to managers and the public. Additionally, an IBI will make it possible to objectively assess temporal variation in wetland condition that reflects short- or long-term environmental change. Finally, although this IBI will be developed for depressional wetlands in the Des Moines Lobe ecoregion, results from this study will provide baseline information for IBI development in other wetland ecosystems and ecoregions.

Work Products include

- Reports
 - Progress report (May 2007)
 - Final report (May 2008)
- A macroinvertebrate-based Index of Biotic Integrity for semi permanent and permanent depressional wetlands of the Des Moines Lobe ecoregion of Iowa (included in final report)
 - Metrics identified and described
 - Descriptions of rejected metrics that proved insensitive to environmental degradation (included to help future investigators avoid directing time, effort, and funds to investigating the validity of these metrics)
 - Standard Operating Procedures (SOPs) described
 - A complete list of macroinvertebrate toxin densities from wetlands included in the study.

Funding for this contract comes from the Environment First Infrastructure Funds.

Motion was made by David Petty to approve the contract as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

SOLID WASTE ALTERNATIVES PROGRAM – RECOMMENDATIONS

Tammie Krausman, of the Environmental Services Division presented the following information.

The Department received 21 proposals, requesting over \$2.3 million in financial assistance, for consideration during the April 2006 round of funding. Thirteen (13) projects were selected for funding or additional consideration. If approved they will receive \$716,787 in a combination of forgivable loans, zero interest loans and three-percent (3%) loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Jeff Geerts & Jennifer Reutzel), Iowa Society of Solid Waste Operations (Don Vogt), Iowa Recycling Association (Gary Brinkmann), and the Iowa Waste Exchange (Shelly Codner).

The table below summarizes recommendations by applicant and project type and by the type of award.

Recommended By Applicant Type	# Awards	Award Amount	Forgivable Loan Portion
Local Government	4	\$112,481	\$79,415
Private For Profit	5	\$502,906	\$60,000
Private Not For Profit	4	\$101,400	\$25,049
Recommended By Project Type	# Awards	Award Amount	Forgivable Loan Portion
Best Practices	9	\$422,300	\$105,049
Market Development	2	\$255,072	\$20,000
Education	2	\$39,415	\$39,415
Type of Award	# Awards	Award Amount	Forgivable Loan Portion
Forgivable loan only	5	\$84,464	\$84,464
Forgivable and 0% loan only	4	\$151,425	\$80,000
0% and 3% interest loan only	1	\$225,000	\$0
0% interest loan only	2	\$76,351	\$0
3% interest loan only	1	\$179,547	\$0

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of additional requested information, review of business plans, negotiation of budget, match, deliverables, and other requested information.

SOLID WASTE ALTERNATIVES PROGRAM

PROPOSAL RECOMMENDATIONS – APRIL 2006

The Department received twenty-one (21) proposals, requesting over \$2.3 million in financial assistance, for consideration during the April 2006 round of funding. Thirteen (13) projects were selected for funding or additional consideration. If all are approved they will receive \$716,787 in a combination of forgivable loans, zero interest loans and three-percent (3%) loans.

The following provides a description of each project, the project type, and the amount and type of funding assistance. The descriptions are organized as projects above \$25,000, those \$25,000 and below, and proposals received but not selected.

PROPOSAL RECOMMENDATIONS: ABOVE \$25,000

BEST PRACTICES PROJECTS:

Shamrock Recycling Inc. 1001 Michigan Street Emmetsburg, IA 50536	Forgivable Loan: \$20,000 Zero Interest Loan: \$12,587 3% Interest Loan <u>\$0</u> Total Award \$32,587 Amount:
	Cash Match: \$10,863 In-Kind Match: \$260,040 Local Match: \$270,903
	Total Project Cost: \$303,490
Project Title: Contact: Project Type: Applicant: Description:	Shamrock Waste Wood Processing Mike Flannegan Phone: 712-426-3002 Best Practices Private For Profit Applicant requests funds to implement a wood waste recycling system within its processing facility to allow for waste wood collection from identified commercial generators throughout its existing 6-county service area. Funds will go towards the purchase of equipment necessary to initiate material collection at all generator sites. Nearly 240 tons of wood will be diverted from the landfill in the first year of operation, with projected increases in

subsequent years.

Target Area: Emmetsburg, Palo Alto and Pocahontas Counties (at minimum)

Crossroads of Western Iowa	Forgivable Loan:	\$0
One Crossroads Place	Zero Interest Loan:	\$63,451
Missouri Valley, IA 51555	3% Interest Loan	<u>\$0</u>
	Total Award Amount:	\$63,451

Cash Match:	\$30,564
In-Kind Match:	\$33,540
Local Match:	\$64,104
Total Project Cost:	\$127,555

Project Title: Crossroads Recycling
Contact: David Lovell Phone: 712-642-4114
Project Type: Best Practices
Applicant: Private Not For Profit
Description: The applicant, serving as Harrison County's designated recycling processor, requests funds to support enhancements to their two county processing facilities. The two facilities process cardboard, paper, plastics, tin and aluminum for Harrison County and for regional commercial/industrial businesses. Funds will support the purchase of equipment to expand overall material throughput in the Onawa facility and improve processing efficiency in the Missouri Valley facility. The project will allow the applicant to increase total materials diverted from the area landfill to 918 tons per year.

Target Area: Harrison and Monona Counties

City Carton Recycling	Forgivable Loan:	\$0
3 E. Benton Street	Zero Interest Loan:	\$0
Iowa City, IA 52240	3% Interest Loan:	<u>\$179,547</u>
	Total Award Amount:	\$179,547

Cash Match:	\$58,183
In-Kind Match:	\$186,900
Local Match:	\$245,083
Total Project Cost:	\$424,630

Project Title: Drop Site Expansion

Contact:	Frank Miller	Phone: 319-351-2848
Project Type:	Market Development	
Applicant:	Private For Profit	
Description:	Applicant requests funds to expand and upgrade its Iowa City recycling drop-site. The current drop-site supports the city's multi-family and small business customer base and represents their sole method of participating in a recycling program. Materials collected at the site include cardboard, mixed paper, plastics, glass, metals, and vinyl. Funds would go towards additional compactors and recyclable receiver boxes and re-construction of the drop-site to improve current issues with site-user flow and material overflow. With this project the applicant will be able to divert over 1,400 tons of material from the landfill in its first year of operation, with projected increases in years to follow.	
Target Area:	Johnson, Cedar, Iowa and Washington Counties	

Responsible Initiative/Robert L. Johnson	Redevelopment	Forgivable Loan:	\$20,000
1079 Elm Street		Zero Interest Loan:	\$15,700
Dubuque, IA 52001		3% Interest Loan:	\$ 0
		Total Award Amount:	\$35,700
	Cash Match:		\$11,900
	In-Kind Match:		\$138,900
	Local Match:		\$150,800
	Total Project Cost:		\$186,500

Project Title:	Responsible Redevelopment Initiative		
Contact:	Robert L. Johnson	Phone:	563-599-1102
Project Type:	Best Practices		
Applicant:	Private For Profit		
Description:	Applicant is a partnership between MidAmerica Architectural Salvage and the Four Mounds Foundation. The applicant requests funds to expand their building deconstruction initiatives and their salvaged resaleable C&D product development activities. In partnership with the City of Dubuque, the Dubuque Community Foundation and key residential and commercial area developers, the applicant will increase the number of salvage projects and the amount of diverted C&D material through improving efficiency by using the funds to acquire needed material handling equipment for job expansion. With equipment acquisition, the applicant will be able to increase their C&D landfill diversion tonnage to over 480 tons per year.		
Target Area:	Dubuque and Delaware Counties		

Buena Vista County Solid Waste Commission	Forgivable Loan:	\$20,000
1263 630th Street	Zero Interest Loan:	\$33,066
Storm Lake, IA 50588	3% Interest Loan	<u>\$0</u>
	Total Award Amount:	\$53,066

Cash Match:	\$53,066
In-Kind Match:	\$ 0
Local Match:	\$53,066
Total Project Cost:	\$106,132

Project Title: Processed Engineered Fuel Modification
Contact: Donna Cavanaugh Phone: 712-732-7171
Project Type: Best Practices
Applicant: Local Government
Description: Applicant requests funds to modify their current recycling system to increase separation of recyclable and combustible materials out of the landfill wastestream and divert materials into the production of saleable RDF (Refuse-Derived Fuel) pellets in partnership with the Cherokee County Recycling Center. Funds would support the purchase of a conveyer system and additional processing equipment for use in material separation at their facility. The project will divert an additional 3,500 tons of material from the landfill each year.

Target Area: Buena Vista County

MARKET DEVELOPMENT PROJECTS:

Soil-Tek	Forgivable Loan:	\$0
4400 NE 14th Street	Zero Interest Loan:	\$150,000
Des Moines, IA 50313	3% Interest Loan:	<u>\$75,000</u>
	Total Award Amount:	\$225,000

Cash Match:	\$225,400
In-Kind Match:	\$ 0
Local Match:	\$225,400
Total Project Cost:	\$450,400

Project Title: 'Growing' By Leaps & Bounds
Contact: Tom Truelsen Phone: 515-208-5171
Project Type: Market Development
Applicant: Private For Profit
Description: Applicant requests funds to purchase equipment to expand their compost application operation due to increased demand in the Cedar Rapids/Linn County service area. Funds would go towards the purchase of a pneumatic blower truck, front-end loader, dump truck and pickup truck for use on job sites. This equipment would support market demand for an additional 7,500 cubic yards of compost per year in the applicant service area on top of their current compost material usage.

Target Area: Cedar Rapids and surrounding area

Culvers' Lawn and Landscape, Inc	Forgivable Loan:	\$20,000
1682 Dubuque Rd.	Zero Interest Loan:	\$10,071
Marion, IA 52302	3% Interest Loan:	\$ 0
	Total Award Amount:	\$30,071

Cash Match:	\$75,024
In-Kind Match:	\$15,090
Local Match:	\$90,114
Total Project Cost:	\$120,185

Project Title: Comprehensive Compost Education/Marketing Campaign
Contact: Amanda Felton Phone: 319-377-4195
Project Type: Market Development
Applicant: Private For Profit
Description: Applicant requests funds to conduct a targeted education and market development initiative to expand the large bulk compost markets for erosion control and stormwater management throughout eastern Iowa. Targeted groups are land developers, residential and commercial builders, engineers, landscape architecture firms and municipalities throughout eastern Iowa. Funds will be utilized for the development of a comprehensive campaign, which will include the distribution of education and marketing materials specific to each target group identifying the environmental benefits attainable through use of compost in a comprehensive soil erosion and stormwater management plan. This project will support a market for, at a minimum, 13,000 cubic yards of compost in the 2006 season with subsequent growth increases in following years.

Target Area: Eastern Iowa

PROPOSAL RECOMMENDATIONS: \$25,000 AND BELOW
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BEST PRACTICES PROJECTS:

Humboldt Workshop Inc. 21 North Taft Humboldt, IA 50548		Forgivable Loan: \$5,049 Zero Interest Loan: \$0 3% Interest Loan: \$0 Total Award Amount: \$5,049
		Cash Match: \$1,684 In-Kind Match: \$ 17,790 Local Match: \$19,474 Total Project Cost: \$24,523
Project Title:	Humboldt Workshop Baler	
Contact:	Curt Duffield Phone: 515-332-2841	
Project Type:	Best Practices	
Applicant:	Private Not For Profit	
Description:	Applicant requests funds to purchase a baler to allow for the recycling of corrugated cardboard and shredded office paper generated through the local community and provide employment for the applicant's adult vocational programs. These materials are currently being landfilled. The baler will allow for processing and marketing of the recovered materials. Approximately 46 tons of material will be diverted from the landfill each year.	
Target Area:	Humboldt County	

Habitat for Humanity- Quad Cities 3629 Mississippi Ave. Suite B Davenport, IA 52807-1905		Forgivable Loan: \$0 Zero Interest Loan: \$12,900 3% Interest Loan: \$0 Total Award Amount: \$12,900
		Cash Match: \$4,650 In-Kind Match: \$121,310 Local Match: \$125,960 Total Project Cost: \$138,860
Project Title:	Restore C&D Harvesting	
Contact:	Cindy Kuhn Phone: 563-391-4949	

Project Type:	Best Practices
Applicant:	Private Not For Profit
Description:	Applicant requests funds to increase landfill diversion of reusable construction and demolition debris in the Quad Cities area by partnering with the Scott County Area Landfill to divert and transfer saleable building materials being originally sent to the landfill. The applicant will also increase their material salvage efforts in Quad Cities buildings slated for demolition. Funding awarded will go towards the purchase of a flatbed truck and salvage tools. These projects will aid the applicant in reaching their projected goal of diverting and reusing over 240 tons of C&D material per year.
Target Area:	Scott County, Quad Cities

Dubuque Metropolitan Area SWA	Forgivable Loan:	\$20,000
925 Kerper Ct.,	Zero Interest Loan:	\$0
Dubuque, IA 52001	3% Interest Loan	\$0
	Total Award Amount:	\$20,000
	Cash Match:	\$20,000
	In-Kind Match:	\$18,295
	Local Match:	\$38,295
	Total Project Cost:	\$58,295
Project Title:	Rural Recycling Drop Off Program	
Contact:	Chuck Goddard Phone: 563-589-43654	
Project Type:	Best Practices	
Applicant:	Local Government	
Description:	Applicant requests funds to initiate a comprehensive recycling drop off collection program for residents and commercial businesses in rural Dubuque County, who currently lack access to a recycling program. Targeted waste includes cardboard, paper, tin, plastic and aluminum. Funds would go towards the purchase of roll-off containers and a trailer to be used in recyclables collection. The project will also include an education and media campaign to increase awareness within the targeted population. Applicant projects a diversion of 312 tons of material in the first year, growing to a goal of 1,560 tons per year by Year Five.	
Target Area:	Dubuque County	

Linn County Secondary Road Department 1888 County Home Road Marion, IA 52302		Forgivable Loan: \$20,000 Zero Interest Loan: \$0 3% Interest Loan: \$0 Total Award Amount: \$20,000
		Cash Match: \$17,500 In-Kind Match: \$22,500 Local Match: \$40,000 Total Project Cost: \$60,000
Project Title:	"Pulling for Compost"	
Contact:	Lance Letellier	Phone: 319-892-6400
Project Type:	Best Practices	
Applicant:	Local Government	
Description:	Applicant requests funds to assist in the purchase of a pull-behind compost trailer with a specially designed right-side discharge that will allow for easy and efficient placement of compost on the county's secondary road sides. The trailer is seen as a solution to the county's previous struggle to find an efficient and cost-effective way to incorporate compost use into their road maintenance. The project will uniquely demonstrate the effectiveness of this equipment to all other Iowa counties and provide a highly desirable market outlet for rough-grade compost with limited screening. The project will provide a sustainable compost market for 1,000 cubic yards of rough-grade compost each year.	
Target Area:	Linn County	

EDUCATION PROJECTS:

University of Northern Iowa Center for Energy and Environmental Education Cedar Falls, IA 50614-0293		Forgivable Loan: \$19,415 Zero Interest Loan: \$0 3% Interest Loan: \$0 Total Award Amount: \$19,415
		Cash Match: \$18,067 In-Kind Match: \$2,681 Local Match: \$20,748

Total Project Cost:		\$40,163
Project Title:	Teaching Teachers & Future Teachers Solid Waste Alternatives	
Contact:	Susan Salterberg	Phone: 319-273-2573
Project Type:	Education	
Applicant:	Local Government	
Description:	Applicant requests funds for a two-year education initiative to offer <i>Waste Reduction: Addressing the Overlooked "R"</i> teacher education courses to Iowa educators throughout the state. Based on the success of previous work, there will be two components to the initiative: (i) mini-workshops taught to an estimated 300 teacher education majors at Iowa colleges and universities along with current teachers at state educator conferences; and (ii) graduate courses offered to 60-70 Iowa teachers that will provide them with the opportunity to obtain graduate credit through workshop participation. The workshops will increase awareness and knowledge of waste-related natural resource issues among educators, and provide training, lesson plans, and resources to help them educate about waste issues in their own classrooms.	
Target Area:	State of Iowa	

Center on Sustainable Communities		Forgivable Loan:	\$20,000
301 Grand Avenue		Zero Interest Loan:	\$0
Des Moines, IA 50309		3% Interest Loan	\$0
		Total Award Amount:	\$20,000
		Cash Match:	\$23,979
		In-Kind Match:	\$117,995
		Local Match:	\$141,974
		Total Project Cost:	\$161,974
Project Title:	Center on Sustainable Communities Executive Director		
Contact:	Lynnae Hentzen	Phone:	515-309-3266
Project Type:	Education		
Applicant:	Private Not For Profit		
Description:	Applicant requests funds to further develop their non-profit organization by expanding their Executive Director into a permanent, full-time position. The applicant serves as a resource to encourage, educate and promote sustainable building practices among building professionals and homeowners. The applicant's outreach efforts and educational forums in 2005 were strongly supported by the hundreds of state building professionals who were educated on the topics of sustainable design, recycled-content building products and materials,		

sustainable landscaping, and construction and demolition recycling. This project will allow the organization to expand their efforts and target a statewide audience.

Target Area: State of Iowa

PROPOSALS RECEIVED, NOT RECOMMENDED

Van Buren County SWC **Total Amount Requested: \$9,725**
 406 Dodge Street
 Keosauqua, IA 52565

Project Title: Electronic Waste Education and Collection
Contact: Roberta Stephenson **Phone:** 319-293-3262
Project Type: Best Practices
Applicant: Local Government

Description: Applicant requests funds to educate residents on the importance of e-waste recycling and add e-waste to the list of collected items at an upcoming Toxic Waste Collection Day in Fall 2006..

Plymouth County SWA **Total Amount Requested: \$20,000**
 34898 150TH Street
 Le Mars, IA 51031

Project Title: Plymouth County Recycling
Contact: Mark Kunkel **Phone:** 712-546-6071
Project Type: Best Practices
Applicant: Local Government

Description: Applicant requests funds to establish a permanent drop-off recycling collection service throughout the county's rural cities/towns

Digital Aid, Inc. **Total Amount Requested: \$20,000**
 10201 University Ave., Suite A15
 Clive, IA 50246

Project Title: Computers to Africa
Contact: Kungle Oguneye **Phone:** 515-771-6775
Project Type: Best Practices
Applicant: Private Not For Profit

Description: Applicant requests funds to continue/expand existing program collecting

used computers and monitors from Iowa communities and donating them to targeted schools in Africa

Greystone Manufacturing, LLC 2601 Shoreline Drive Bettendorf, IA 52722	Total Amount Requested: \$292,500
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Project Title: Contact: Project Type: Applicant:	Recycled Plastic Pallet Project James Strieck Phone: 563-332-0052 Best Practices Private For Profit
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Description:	Applicant requests funds to purchase manufacturing equipment to expand their current production of pallets made from recycled plastics in response to increased product demand.
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Keokuk Historical Preservation Commission 415 Blondeau Street Keokuk, IA 52632	Total Amount Requested: \$17,000
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Project Title: Contact: Project Type: Applicant:	The North Third Street Project Charles Mitchell Phone: 319-524-5636 Best Practices Local Government
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Description:	Applicant requests funds to support a deconstruction/salvage effort targeted towards two city structures in Keokuk, IA.
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Iowa Recycling Association 2742 SE Market Street Des Moines, IA 50317	Total Amount Requested: \$7,025
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Project Title: Contact: Project Type: Applicant:	Freecycle at the Fair Dewayne Johnson Phone: 515-265-1596 Education Private Not For Profit
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Description:	Funding to establish a display at the Iowa State Fair to expand Freecycle™, a free email Listserv to connect Iowans with material they wish to get rid of with other Iowans who could have a use for that material (with the goal of reducing landfill waste).
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Ameri Computer Recycling. Ltd		Total Amount Requested:	\$128,050
1402 E. Anson			
Marshalltown, IA 50158			
Project Title:	Building and equipment purchase		
Contact:	Kenneth Halstead	Phone:	641-753-4006
Project Type:	Market Development		
Applicant:	Private For Profit		
Description:	Applicant requests funds to establish their permanent e-waste recycling facility in Marshalltown, as well as increase their marketing efforts to all targeted customer markets		

Roger Wahl		Total Amount Requested:	\$1,000,000
3357 220th Street			
Lawler, IA 52154			
Project Title:	Reclamation of Waste Tires		
Contact:	Roger Wahl	Phone:	484-776-4033
Project Type:	Market Development		
Applicant:	Private For Profit		
Description:	Applicant requests funds for a pilot project to determine the viability and feasibility of establishing a tire pyrolyzation process		

April 2006 SWAP EPC Agenda Item:
Additional FYI Notes

Breakdown by projects approved for funding vs. projects under additional consideration pending further information:

Approved	Additional Consideration
Crossroads of Western Iowa	Shamrock Recycling
City Carton Recycling	Buena Vista County Solid Waste Commission
Responsible Redevelopment Initiative	Soil-Tek
Humboldt Workshop, Inc.	Culvers' Lawn & Landscape
Habitat for Humanity – Quad Cities	
Dubuque Metropolitan Area SWA	
Linn County Secondary Road Dept.	
UNI	
Center on Sustainable Communities	
TOTAL	TOTAL
\$376,062	\$340,725

Additional Note:

The application from Buena Vista County SW Commission (currently under additional consideration) is a project related to Senate File 2381 (RDF legislation)

Motion was made by Donna Buell to approve the SWAP recommendations as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

RICHARD HEATHCOTE, (not in attendance, but comments were submitted)

He strongly urges the commission to approve the contract for mapping of the state using LiDAR. I am a professional geologist and frequent consumer of natural resource information in Iowa. A detailed topographic database, which the LiDAR survey will generate, is a much-needed upgrade on what is currently available, and it will spin-off many beneficial effects in support of water, soil rock, and mineral resource conservation and exploitation.

STEVE VEYSEY, (not in attendance, but comments were submitted)

He is concerned with item 10, the proposed contract with UHL to conduct use assessments and use attainability analyses.

First of all, I agree that UHL would be an appropriate group to receive this contract. My concern is that not all of the guidance they are being given has been approved, or at least reviewed and discussed, by the general public or by you commissioners. I refer specifically to the Recreational Use Assessment and Attainability Analysis protocol. This is not a rule-referenced document and it is not posted on DNR's web site. Copies can only be obtained by knowing that the document exists and asking for it by name. It is my understanding (I do not claim to know for certain) that DNR has not given this document to you for discussion and approval, and may even have adopted the position that public input and approval by the EPC of this document is not required.

It is disturbing that DNR would be requesting EPC approval for a \$750,000 contract (directly related to the water quality rules you approved in January) that is based in part upon guidelines you may not have seen and may not agree with.

The philosopher George Santayana famously wrote: "Those who cannot learn from history are doomed to repeat it." We are in danger of repeating the mistakes of the early 90's. At that time, chapter 61 water quality rules clearly stated that general included "*intermittent watercourses and those watercourses which typically flow only for short periods of time following precipitation*". However, this restrictive definition of waters that could be deemed general was turned on its head in the implementation phase and we ended up with 83% of all stream miles, including 54% of all

perennial stream miles, not protected for resident aquatic life. We all failed in our oversight of the implementation process.

I recently expressed serious concern about the conclusions reached in the draft of a UAA prepared by the department for a small tributary of Clear Creek receiving effluent from the town of Tiffin. The conclusions drawn were so out of sync with my actual observations of the stream that I experienced horrendous flashback to the “general” fiasco of the 1990’s. Perhaps that led me to express myself too strongly, but make no mistake. There is a real danger here. If a receiving stream, unfenced, ungated, and unsigned...paralleled on one side by a gravel road and on the other by a 4-wheel path..located only two hundred yards from a major housing development and a children’s playground, can be deemed “located in a remote and isolated area” with “no likelihood of attracting any type of primary or secondary contact recreation” then we should all be very concerned about the guidance being provided as part of this \$750,000 contract.

The department is under considerable pressure to complete these assessments quickly. It is my understanding that approximately 30 minutes may be the average time spent assessing each stream segment, and that soliciting comments and interviewing local residents is not an operational requirement of the UAA field work. This concerns me greatly. Scientists all understand that the presence of proof but the absence of proof is NOT proof of absence.

An abbreviated assessment that finds proof of existing uses is sufficient, timely, cost effective, and will allow the permitting division of DNR to move forward with many permit renewals. However, an abbreviated assessment cannot be used to prove that uses do NOT exist. That must require a more complete assessment. The proof to rebut a presumption, must by its very nature be more extensive than the evidence necessary to maintain the presumption.

I would urge you to look into this matter more fully and to find a role to play (other than simply approving contracts) to ensure that the end product will pass muster. It would be folly to wait until \$750,000 of taxpayer money has been spent before voicing your concerns about the very process itself.

ROGER ZYLSTRA, District 5 Director of the Iowa Corn Growers Association said that he is representing the association along with their 6,000 farmer-members from across the state. The ICGA is opposed to the DNR director having subjective discretionary power to regulate animal feeding operations.

Iowa Farmers are excellent stewards of their land. Through the efforts of the Iowa legislature, Iowa DNR, and Iowa farmers, this state has a system in place to help improve and maintain the integrity of the state’s environment. The broad scope of subjective power the proposed rule grants the DNR director would virtually override 10 plus years of environmental legislation which established standards for construction permit and manure management plans. The legislature has not given the DNR director this wide-ranging authority, nor has it shown an intention to give the director this authority.

The vagueness of the proposed rule will make it very difficult for farmers to know if a proposed site will meet the DNR requirements before the farmer invests time and money in preparing a permit application and/or manure or nutrient management plans. According to the proposed rule, even if a farmer abides by the law, the DNR will nevertheless be able to deny a construction permit, disapprove a manure or nutrient management plan, or prohibit construction of a proposed operation.

The ICGA is concerned the breadth and subjective nature of this proposed rule will have arbitrary and unduly burdensome consequences on Iowa farmers.

For these reasons, the ICGA is opposed to the "Director Discretion" rule, and urges the EPC to reject the rule.

RON KIELKOPF, from north of Ottumwa said that he is a full time farmer and has a family history of raising hogs and cattle. We have made community service and soil conservation our priorities and six years ago were honored with the Iowa Master Farmer Award. I am a board member of Iowa Citizens for Community Improvement and as such have comments on behalf of the CCI membership.

There is no argument about the need for livestock in Iowa. It is highly debatable what the exact economic impact of livestock is. Our friends with the Coalition claim a \$12B economic impact for the hog industry. Long term studies show all of Iowa's Ag enterprises being about 4% of Iowa's GSP, or roughly \$4B. When the state's water quality for all Iowans is lowered for the benefit of one industry, it is too much like the "tail wagging the dog."

There is some argument about the need for more factory farms in Iowa. Analysts predict the swine business will be operating at losses starting this fall due to excess pork supply and rising feed costs associated with bio-fuel demand which will severely limit pork's role as a "value-added" enterprise. Factory farm expansion here is largely due to the fact other states value their environment and rural neighbors more than Iowa.

There should be no argument about the need to prevent new sources of water pollution from livestock. There should be no argument about the fact our DNR needs more authority to protect our water. As long as we keep doing things the same way we will have the same results.

The majority of our legislators feel the "same old way" is just fine and spending tens of millions of taxpayer dollars to clean up a few messes addresses the problem. The industry has been allowed to "write the rules" long enough resulting in over 400 illegal manure spills and shameful list of impaired bodies of water. It is always short sighted to allow the argument "this industry is too important to restrict it with environmental nonsense." Too bad our environment can't fund campaigns the way the industry does.

Near here the Honey Creek State Park has been appropriated \$3M of state aid. Just modest runoff into Honey Creek's watershed would change this area from very attractive to downright ugly. This analogy applies to hundreds of areas around our state. When thousands of Iowa

families feel they must vacation in Missouri or Minnesota due to Iowa's unhealthy waters, those millions of dollars, and employment, leaving the state are just as important to the state's GSP as more factory farms, in fact more important because the dollars stay home and don't pollute.

My legislators boast about spending \$18M for water cleanup, eventually \$50M. If we don't allow the DNR to prevent new water pollution at the source, these millions are only the proverbial "drop in the bucket" toward cleaner water.

Please vote for the Water Protection Rule.

RICHARD BIRD, ICCI member said that the department discretion rule is long over due. Citizens of Iowa have had to live with and suffer from pollution from factory farms. Because of the CAFO's disregard to people's health and environment, Iowa has the reputation for having the nastiest water in the country. Partly due to the 450 manure spills, plus run off from carelessly spread manure. Our list of impaired waters is not shrinking and will only continue to grow until definite actions come into place. In the writings of Rural Americans, John Eckert says that state laws cannot conflict with federal laws but may go far beyond the federal minimums when needed to protect and promote the states residences. People within families and communities have the responsibility to conform to promote state and federal standards of conduct, otherwise they are breaking the law. It also seems logical and reasonable that families and communities have every right to exceed minimum state standards and conduct if they choose to do so, just as states have the right to exceed federal minimums. As I pointed out, Iowa has among the filthiest water in the entire country and anyone with reasonable intelligence should be able to see that these CAFOs are not operating anywhere close to reasonable standards. The water and air of this state belongs to every Iowan, they are not for the privilege use and abuse by a few to dirty up as they please for the sole purpose of stuffing their wallets to the detriment to everyone else in the state. Your job is to protect the environment not to enrich a few at the expense of everyone else.

SUSAN WEST, from Fairfield Iowa encouraged the Commission to increase the DNR's authority to monitor CAFO's. It seems to me that the state of Iowa is the first in the country in dollar spending for conservation but last for water quality. Legislators have the final say over this money and the production of hog confinements. Something is not working here. We have the most money spent and the worst water.

I am concerned with the air quality from these confinements. If you have to have fans running constantly to protect the hogs from the foul air, how long will it take to pollute the outside air. This will be a cumulative problem. We need more stricter rules than what we have in place now. We need more enforcement. The DNR staff said that they visit a site every two years, which seems a little long between monitorings to me. I would propose stricter requirements for factory farms such as: 1) requiring a petition signed by 51% of all voting age adults within a five mile radius before an application is given (towns require this when new buildings are being proposed, why not in the rural sections) 2) I would also recommend that facilities have a back up containment for spills in their construction permit 3) I would also recommend stricter emission controls for air and water 4) confined animals must have the same or more mortality rate as free range animals. 5) I would like to see the DNR and EPC monitor these facilities quarterly.

CLARK YEAGER, farmer from Ottumwa Iowa said that our family has three sites where we could put hog buildings up on our 1,000 acre property. One site is 500 feet from our house. The legislature thought it was best to reject the department discretion rule, but one man, the Governor vetoed that action. Now this Commission of nine, is deciding on whether or not to bring that legislation back and if my family can build a hog building. We are getting to the point where manure is called spills, pollution, hazardous waste, etc. I know of no other valuable asset than manure to my crop ground.

BARBARA PROSE, Wapello Farm Bureau said that she has been fighting for her right to raise pigs in Iowa for the last 12 years. I wouldn't be doing it if I didn't think it was important. As the older I get, it's harder to keep up on things. I believe the laws and regulations that we have now are working. I agree with Mr. Yeager's comments. We do not need the uncertainties that this rule would bring if it is passed today. I ask the Commission not to adopt the Department discretion rule.

CHARLES CARPENTER, from Coon Rapids said that he supports the department's discretion rule. This rule is sensible and much needed authority to the Department. I ask that you consider this rule. (A map of Audubon county was passed out to the Commissioners showing a proposed site for a confinement by his neighbor.) The site is not a good location. Manure is already being spread on the land, it borders Whiterock Conservancy, and it has several sensitive wetland areas and rare plants in Iowa. This would have to be a ill advised site for a CAFO. The rules which are being presented today would more than likely prohibit construction of this facility. The environment needs these rules.

NEILA SEAMAN, Director of the Sierra Club said that they support the Department's discretion rule. We ask that you pass it today. We would like to reiterate that manure should not be applied to frozen or snow covered crop land. Applying manure to publicly owned land, designated areas, karst terrain or sloped ground to trout streams should be prohibited. We believe that topography slope, vegetation are potential means for manure spills or land applied, should be factored into the manure application plan with slopes greater than 9%. Though we would support a lower slope. We also support prohibiting manure application in an area near all sources of or in a capture zone for a public water supply.

The Sierra Club, Iowa Chapter, endorses amending 567 IAC Chapter 65 – Animal Feeding Operations, to add a definition of “designated wetland” consisting of the statutory definition plus a reference to the list of designated wetlands for the purpose of implementing the separation distance requirement for construction of confinement feeding operation.

We are disappointed that designated wetlands are defined only as land designated as a protected wetland by the United States Department of the Interior or the Department of Natural resources. Many wetlands deserving of designation become ineligible because the law states that the wetland must be owned and managed by the federal government or the Department of Natural Resources. We encourage you to consider rules or propose legislation that would include these wetlands currently ineligible for designation.

STEPHEN TEWS, ICCI member said that because of the Governor's veto to bill 2377, we are able to discuss the water quality bill. This rule will help re-acquire fishable/swimmable lakes, streams in Iowa. The ounces of protection in this bill will help cure the pounds and dollars that the legislators will have to come up with later to clean up the messes that would be created. We ask that you adopt this rule to prevent spending the dollars later to clean up the messes.

GARY KLICKER, Iowa Citizens for Community Improvement said he supports the proposed Water protection rule and is urging the commission to vote yes on this rule. This is a common sense rule that spells out DNR's authority to deny or modify a factory farm construction permit or manure management plan. Any one who is in favor of clean water should be in favor of this rule.

So why is the rule so important? Headlines in the Des Moines Register tell us that Iowa has some of the dirtiest water in the nation. Our list of impaired waters continues to grow, to over 200 water bodies. We have had over 450 reported illegal manure spills in the past 10 years. This doesn't take into account unreported spills, chronic runoff, or seepage into ground water. The number of lakes, rivers and streams contaminated with fecal coliform bacteria is frightening.

Our state is now planning to spend \$18 million to clean up our water because we do have a serious problem. It is time to start being proactive where we can be. We all know the old adage "Keep doing things the same way and expect the same results."

The number of factory farms is also growing. According to information from the DNR, the number of permits issued in 2005 for confinements was 107, in 2004 it was 74, this year, there has already been 112 permits issued and another 118 pending. This adds to an already significant number of facilities across Iowa. We already know that waste from these facilities have had a significant impact on our water.

This rule will help to create a culture where large-scale livestock entities really think about the potential for adverse impacts their proposed facility may have and allows for them to address those issues before a problem happens. That seems like a pretty good idea to me.

We urge the EPC to vote yes on this rule. Ensure that the DNR has the ability to do their job right.

DON NIEBUHR, farmer from Albia said that the rules we have now for CAFOs are adequate. I feel that it would be potentially dangerous to give this power to the Director for siting CAFO locations.

CHRIS GRUENHAGEN, from Iowa Farm Bureau asked, as a result of this rule, how farmers are supposed to change their decision making in locating farms in managing their manure. If the real goal of this rule, is to do a better job at siting confirms than choosing a manure application areas, if this is your goal shouldn't the rule give some kind of expectations for farmers. Is the real goal of this rule to address water quality issues that are not already addressed in the regulations or statutes. If this is your goal, why does the evaluation factors lists as examples so many issues that are already addressed in Iowa water. Why doesn't the rule described specific conditions which could be satisfactory addressed up front. Making up the rules as we go and looking at it

case-by-case through an appeal process are not applicable by everyone without a definable standard. When livestock farmers are doing a good job at managing manure, even though they are continuing to look for better ways to improve their decision making in manure application areas. I would suggest that this rule doesn't tell farmers how to change decision making, the rule does introduce the possibility of delays in process, additional expenses, uneven treatment, unpredictable, inconsistencies, and personal biases. We ask that the environmental regulations be objective and consistent in addressing specific water quality issues, so farmers know how to be changing their decisions.

JIM RUBIS, from Fairfield said that he attended the livestock meeting in his area and the general comment from Pork Producers was, "Let me do my job and let me make money." Those in favor of the rule, wanted to protect the environment and natural resources. The DNR is not the Department of Economic Development, they are to protect the natural resources and environment for everyone. Each city and county in the state is not the same, therefore they should be treated differently. Every facility is built right to the limit. Director Vonk is not going to be out investigating every site. It will be the staff who makes the decision based on common sense. Please protect our environment.

DWIGHT LOWENBERG, a hog farmer from East of Ottumwa said that we put a 4,000 head hog site located 180 feet from our front door. In the last ten years, as far as we know, we have never had a complaint. We put another 4,800 head site up within the DNR's regulations. There may be times when it smells, but we've had very few complaints. People understand it's industry and that's valuable to Iowa. We have buffer strips and CRP waterways. You can be a good steward and still raise hogs. The rules in place today are already more than adequate.

DAN AUGUSTINE, from Mahaska County said that he is opposed to the Department discretion rule. It gives one man too much power to decide. Even though the rule may have good intentions, the producers may have a perception that it's not really like that. The current rules are good, if they need to be revised to help clean up water in our state, then we should do that. Everyone's good intentions today maybe misconstrued in the future with more political pressure. The rule may not give the perception of fairness.

We are a third generation family farm and we have never had a complaint. We raise about 4,000 cattle and 2,500 swine.

KEITH FREIE, from Latimer representing the Farmer's Coop said that I have yet to see numbers showing that the CAFO industry is the culprit. I agree with Christine Gruenhagen and her comments. Instead of dwelling on the negative things let's give the producers every opportunity to do it right. The producers here today do things right and they want to continue with that. Three times this morning on the radio down here, I've heard references on WHO on unethical news reporting in all medias. Whether you're pro or against something there is always a slant. I am against the Director authority rule, but we can live with whatever happens. Because this business will be here. For those here today that don't want large factory farms, then don't over regulate the producers because your pushing this right into the hands of the companies you don't want it to reside in.

CALVIN ROZENBOOM, from Mahaska County said that if the department discretion rule is adopted it will become problematic to my operation. In 65.5 3(a) quotes “in reviewing permits the department shall consider the following factors:

1. the likelihood that manure will be applied to frozen or snow covered crop ground. My manure buildings contain enough storage for 15 months, with a over facility storage with 3 months. This prohibits me from transferring manure from one smaller pit to a larger one. Storage capacity of 3 months requires that some of my manure will need to be applied to frozen or snow covered ground. This rule suggests that my MMP will no longer be approved. I can assure you that this is a likelihood. You may say that is not your intention with this proposed rule but that’s what it says and that’s how it can be interpreted.

2. The evaluations shall consider the proximity of the structure or manure application areas to sensitive areas including but not limited to to publicly owned land, designated areas, trout streams and karst terrain. Just what does “but not limited to” mean? It means a lot to me and none of it sounds good. We have already required separation distances from all the listed areas, plus increased the construction standards for karst areas. I can only assume that the DNR wants to place on additional regulations that are totally arbitrary and subjective.

3. the topography, vegetation and potential means or routes of conveyance and whether manure is transported more than 5 miles. Why not 2 miles or 8 miles? We understand the rules, let the marketplace decide. Of all these rules, words and phrases like likelihood, potential, or reasonably expect, for one person may mean something completely different to another. We spend a lot of time, money, planning, siting, working through construction permits and formulating a manure management plan. This proposed rule change will add a great deal of time and cost to the process and will intimidate some and prohibit others from the best and most important, viable, economic tool this state has to offer.

ELDON MCAFEE, from Des Moines on behalf of the Iowa Pork Producers’ association plus many other individual members. The association is strongly opposed to the Department discretion rule.

On behalf of a group of individuals doing something that you don’t see too often. We are asking for more rules. We are submitting a petition for a rulemaking because we recently had a producer caught on rules being out of date by the DNR. In 2002, the Iowa legislature adopted SF 2293, as part of that, there were many changes which our members did not support policy wise. The problem is that some of those changes have not been made in DNR rules. The producer looked into language in adjacency rules. Because of this, we feel that it’s important that the rules are revised to be consistent with the law, so our producers and advisors do not get trapped into a violation. There is also an exemption to the distance of a road right away when planting trees. That language was removed by legislature in 2002, but it’s still in the DNR rules today. We need to get this done so everyone has the correct language. The petition also includes a proposal on manure application to soybeans. This proposal is based off the letter from Iowa State University, which changes the factor of 3.8 lbs of nitrogen per bushel of soybeans used in manure management plans to 3.1 -3.4 lbs.

LEW OLSON, with the House Republican Caucus Staff addressed the NPDES permit fees. In item 3 of 64.1(6), there is a proposal to charge a \$250 fee. That is not allowed by HF 2540, which was signed by the Governor earlier this month.

Item 20-Department Discretion Rule. I am seriously concerned with this proposed rule. It's significantly vague and is contrary to the code provisions on distance separation. It is likely that the department would have additional separation distances would be imposed, that are already in place by existing code. That would result by arbitrary decisions and will end up costing the state a lot of money. I believe the money that will be spent on this rule, should go towards updating the rule in regards to SF 2293. I would point out that based on the responsiveness summary that the agency seemed to pick and choose which arguments were sufficient to be submitted.

There is another option that is not frequently discussed. The state, by code, lists the minimum separation distance. There is an option that is legitimate if you want to protect public areas, You could go out and solicit and acquire easements and covenants with the landowners that you want to go over and above the code. This is allowed.

Henry Marquard asked if his comments were on behalf of the house majority or as an individual?

Lew Olson said that he is speaking on behalf of his position as a legislative research analyst because he played a fairly significant role in crafting of the legislation.

RICH WHITE, representing Iowa Limestone Producers submitted the following language change for 64.16(3)(A)(5).

We do apologize for not having this language ready and submitted to the water quality bureau.

For coverage under NPDES general permit #5, the fees established in Code of Iowa 455B.197 will apply.

Coverage provided by the five-year, four-year, three-year and Annual permit fees expires August 30 of said permit or no later than the expiration date of the general permit.

Maximum coverage is five years, four years, three years, and one year respectively. All fees are to be submitted with the Notice of Intent for coverage under the general permit.

In the event a facility is no longer eligible to be covered under general permit #5, the remainder of the fees previously paid by the facility would be applied toward its individual permit fees.

Please consider adopting the above language into the rule.

-----END of PUBLIC PARTICIPATION-----

ADOPTED AND FILED: AMENDMENTS TO RULES REGARDING DEPARTMENT EVALUATION; DENIAL OF OR CONDITION OF CONSTRUCTION PERMITS OR DISAPPROVAL OR MODIFICATION OF MMPS/NMPS FOR CONFINEMENT FEEDING OPERATIONS AND OPEN FEEDLOT OPERATIONS.

Deleted: MANURE APPLICATOR
CERTIFICATION

Wayne Gieselman, Administrator of the Environmental Services Division presented the following information.

The Commission is requested to approve final rules to amend 567 Iowa Administrative Code Chapter 65 – Animal Feeding Operations. The purpose of the proposed amendments is to extend the department's authority to evaluate construction permit applications and manure/nutrient management plans for impact on natural resources or the environment and to prohibit construction in the proposed location or to deny or condition/modify applications or plans that are reasonably expected to result in specified impacts. The amendments will potentially increase the requirements necessary to obtain a construction permit or approval of a manure/nutrient management plan, but also provides the opportunity to challenge the department's action in a contested case proceeding.

Five public hearings were held on March 7, 8, 9 and 10, 2006 and written comments were received. A responsiveness summary addressing the comments received is attached. As a result of the comments, the Department recommends that the words "unacceptable burden" in subparagraphs 65.5(3)"b"(3) and 65.103(5)"b"(3) be changed to "adverse effect." These words are more widely used in existing rules and should be better understood by the regulated community.

INTRODUCTION

On January 17, 2006, the Environmental Protection Commission approved a Notice of Intended Action (NOIA) to amend Chapter 65 in order to extend the department's authority to evaluate construction permit applications and manure and nutrient management plans for impact on natural resources or the environment and to prohibit construction in the proposed location or to deny or condition/modify applications or plans that are reasonably expected to result in specified impacts. The Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin (IAB) on February 15, 2006, as ARC 48986B.

A list of individuals and organizations that have submitted written comments and/or participated in the public hearing follows the summary of comments. Due to the number and extent of the comments received and because this is a summary, the comments have been divided by issues, followed by the department's position and the changes proposed to the NOIA as a result of the comments. When more than one organization or individual submitted comments on the same or similar issues, they are grouped together, to avoid repetition.

Public hearings were held at the following locations:

LeMars, March 7, at 9 a.m., LeMars Public Library
Audubon, March 7, at 7:00 p.m., Audubon City Hall
Urbandale, March 8, at 2 p.m., Urbandale Public Library
Ainsworth, March 9, at 7:00 p.m., Marr Park
Waverly, March 10, at 9 a.m., Waverly Library

Wayne Gieselman said that the numbers you have heard about 2,000 new confinement facilities in the last four years. Based on the information we receive, because we are required to issue permits to facilities with more than 1,000 animal units. In conjunction with SF 2293, I have heard conflicting numbers. Official numbers in terms of permitting for last year is 203 permits which includes about 30 permits for open feedlots and 173 permits for livestock confinement operations. The previous year high that we had for permitting, no matter what the permit level was, was approximately 98. We've had four years of operating under the lower permit threshold that some of the applicants pointed out. The threshold did go down in 2002. The MMP applications are required for any facilities of 500 animal units or more. Construction permits are not required for those sorts of operations but approved MMPs are required. That calculates to 1,250 head of pigs. I know there are individuals out there that build and operate under the threshold, so MMPs are not required. We do not know how many of those are being constructed. We did get a number of complaints about folks building 1,200 head units. Under the existing statute and rules, any facility that it is classified legally as a small animal feeding operation is not going to be covered under what this proposal is. The only exemption is if it is constructed in karst areas in northeast Iowa. The Governor requested that we pay special attention to that area because of ground water contamination. In our view, this rule is designed to give some flexibility to assess unexpected problems that have occurred. In my view, this does allow the application for common sense to siting of livestock facilities. You have heard a lot of comments about power and authority to the Director of the department. The Director has been charged by the legislature, not only in livestock, but in air quality permitting, wastewater permitting, industrial permitting, and municipal permitting. He has been entrusted with a lot of authority by the legislature in a lot of areas.

Henry Marquard asked what would happen if the Director makes a decision and then is appealed by the applicant. What is the standard that would allow an applicant to appeal.

Randy Clark said that there would have to be strong technical basis to say that there is an impact with adverse effects to the environment or natural resources. There are other provisions in our authority such as floodplain, water rights, where the statutory provisions are very broad. The Administrative Law Judge has to look at the evidence to determine whether or not it's strong enough to support one side or the other. If we can't make our case, then we would fail. This will be a case-by-case analysis, with a very strong case. It's hard to answer that question because of the type of rule that this is.

Henry Marquard said that the counties have the right to appeal and bring it before us. What happens when the director does not use the discretionary rule, but the County does, would the commission have the right to use this rule?

Randy Clark suggested that the Commission remain in its appellate capacity. If there is comment or complaint about a site, I would assume that the Director would have to consider the site and if action is necessary. As I said before, these decisions should be strong and technically-based, not just because one individual comes before you for five minutes addressing their concerns with the site.

Henry Marquard said that he is troubled with voting in favor of the rule and how it fits in with the legislature since they do not see to it to be necessary at this point.

Jerry Peckumn said that he heard on the radio from the house leadership, Chuck Gipp that it's time for a rule like this.

David Petty said that it really depends on how much discretion is going to be used. One major factor in the expansion of the numbers, is because the price of commercial fertilizer has doubled. So manure nutrient value to these facilities is important.

Henry Marquard said that we may want an alternative to the rule. Rather than such a broad rule, have a more detailed rule in ways that would address areas where we think issues will arise.

Mary Gail Scott said that it is impossible to write a rule where everyone will be satisfied. There will be areas not adequate to someone.

Henry Marquard said that the more you regulate, it makes it more difficult for smaller business to comply with the regulations because of the costs. I do agree that we can't make a rule for everyone.

Jeff Vonk said that the factors we are taking that we will be using are not pie in the sky factors they are common sense rules, which should be followed by every conservation producer, and I believe that most of them are. We are trying to define the common sense issues that we currently don't have authority for those bad actors. If they're going to expand or create a new facility, they need to take into consideration the slope of the land where they will be spreading manure and it needs to have a conservation plan.

Henry Marquard said that we should just amend the rule to include the slope of land.

Jeff Vonk said that we are, plus including a specific list of other circumstances and conditions. This is not ambiguous and uncertain factor. The intent is clearly for environment content. The department is not trying to mess over an industry. We want to work with the industry.

Henry Marquard said that we could just include this in the current rule, rather than creating authority for the department.

Jerry Peckumn said that this rule allows for more flexibility, but I don't believe it will be used that often.

David Petty said that it's good to know that the current rules have been 99% good, though the industry should strive for 100%, that's still a pretty good result.

Motion was made by Francis Thicke to approve the rule as presented. Seconded by Donna Buell. Roll call vote went as follows: Jerry Peckumn – aye; Sue Morrow – aye; David Petty –

nay; Donna Buell – aye; Mary Gail Scott – aye; Francis Thicke – aye; Henry Marquard – nay. Motion carried.

APPROVED AS PRESENTED

CONTRACT – IOWA STATE UNIVERSITY EXTENSION SERVICE – MANURE APPLICATOR CERTIFICATION TRAINING

Wayne Gieselman, Administrator of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract in the amount of \$158,875 with Iowa State University Extension Service to provide manure applicator certification training and testing for the time period of July 1, 2006 through June 30, 2007. The training and testing are pursuant to HF 644 and HF 2494.

The purpose of this contract is to support activities to develop manure certification training and testing materials for commercial manure applicators and confinement's site manure applicators. Topics covered in the training materials will include: certification and manure management requirements of Iowa law and DNR rules; proper procedures of the storage, handling and land application of manure; the potential impacts of manure on surface and groundwater; the development of safety and emergency action plans; and sources of additional technical and education assistance.

Funding for this contract is provided by fees collected from the Manure Applicator Certification program.

Gene Tinker said that confinement feeding operators have a three year license, which is \$100. Commercial businesses have a \$200 annual fee and employees of the business have a \$75 annual fee. Everyone has a \$25 education fee. These fees are required by statute except for the education fee. Annual training is mandatory for everyone.

Motion was made by David Petty to approve the contract with Iowa State University as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – UHL – USE ASSESSMENTS/USE ATTAINABILITY ANALYSIS

Wayne Gieselman, Division Administrator of Environmental Services presented the following item.

The department chose the Iowa Materials Exchange proposal for several reasons. The Iowa Materials Exchange's proposal provides tremendous flexibility to adapt the waste exchange services to best serve the program's customers. The Iowa Materials Exchange proposal provides the best structure to fully integrate waste exchange services with other pollution prevention and waste management services offered by the department to Iowa businesses and institutions. This would result in elimination of potential customer confusion and create an environment conducive to providing a lean, flexible, and proactive program quick to adapt to foreseen changes in the waste management industry. Additionally, the Iowa Materials Exchange offered to provide the services of the IWE within the program's budget, but with higher goals for waste diversion than other proposals.

The Iowa Materials Exchange's proposal scored the highest of proposals offering statewide service and was the second highest scoring proposal overall. Their proposal also expressed the most interest in working with the department to generate revenue, if necessary, for the program via fees for additional services for waste exchange clients and possible selling of client by-products.

The money for the Iowa Waste Exchange program comes from solid waste tonnage fees and is equivalent to approximately \$400,000 per year. Up to \$30,000 of the funding yearly is directed to the Iowa Waste Reduction Center by state law to provide technical services to the IWE.

The Department requests Commission approval of a contract, not to exceed \$750,000 with the University of Iowa Hygienic Lab for 6 full time and 1 part time staff positions to complete field work associated with Use Assessments (UA)/Use Attainability Analysis (UAA).

The objective of this contract is to hire short term contract positions for the purposes of obtaining field information on the existing and attainable aquatic life and recreational uses in selected stream reaches recently designated. The field information will be used to verify the applicability of the recent assumed designations or to augment documentation prepared as part of a Use Attainability Analysis. The responsibilities of the six full-time staff positions include:

- Perform the ongoing day-to-day fieldwork for stream assessments,
 - Recreational use assessment fieldwork can begin in mid March with favorable stream flow conditions, particularly in southern Iowa streams.
 - Aquatic life assessment is to be performed in the period between July and October during favorable stream flow conditions.
- Complete required paperwork for each stream assessment, and
- Data management of field work.

SF 2363 Water Quality Standards incorporated water quality standards rule making into law and established a timeline for completing UA/UAA's. HF2782 Infrastructure/Environment First appropriated \$750,000 for the Department to use to complete the UA/UAA's.

UHL was chosen for this contract, due to their extensive experience in providing short term technical staff to the Department.

Wayne Gieselman addressed Steve Veysey's comments regarding this contract. All of the protocols that we will be using both the assessment protocol and the recreational protocol have a basis in statute and have been debated by legislature in great detail. What will be covered in the UAA's has been discussed with the legislative staff. We are directed by statute not to hire staff, but to contract it out. I recommend that you approve this contract.

Henry Marquard asked what the selection process was and if there was any competition to do this?

Wayne Gieselman said that we did not go for a request for proposal or bids on this project. We have a long extension relationship with UHL. I know they have one individual works on our UAA's.

Chuck Corell said that we are not required by state bidding laws to do an RFP, if we do work with another state agency. They will be doing approximately 750 UAA's.

Commissioners raised their concern with where the money is going. Salaries and overhead costs seem high.

Rick Kelly, from UHL said that he will send the Commissioners a detailed listing of all expenses. The salaries are \$28,000 yearly. There is an insurance package and then the rest is for vehicles, equipment, gas, computers, etc. Everything that is purchased by the DNR on contract belongs to them in the end.

Francis Thicke asked for more details regarding Steve Veysey's comments.

Chuck Corell said that the protocol is a document that we will use to conduct an assessment on the attainable recreational use of a stream. It guides them on what data to collect to make a case. The document is already written. It's mainly data sheets.

Henry Marquard said that there are other private labs, colleges and universities in the state that could be involved. I would encourage a more competitive process for RFP's.

Motion was made by Henry Marquard to approve the contract subject to the terms of the contract and the guidelines for the use attainability analysis for recreation. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

**CONTRACT – SALEM ASSOCIATES, INC.- OPERATOR CERTIFICATION
INTERACTIVE WEB PAGES**

Tammie Krausman of the Environmental Services Bureau presented the following item.

The Department requests Commission approval of a contract in the amount of up to \$36,400 with Salem Associates, Inc. for the development of operator certification interactive web pages.

The goal of this project is to provide programming and support for the development of interactive web pages that will provide the public with easy access to information within the operator certification database as well as information regarding the certification process.

Funding for this contract comes from the EPA Operator Certification Reimbursement Grant [Cost Center 7136] awarded to the Department to provide technical assistance, training, certification, and development of web pages, to assist water supply operators of public water systems serving fewer than 3,300 persons.

This contractor was chosen because the project evaluation committee determined that the candidate chosen demonstrated the highest percentage of skills, knowledge, and abilities required for the department's project described in this RFP.

Motion was made by Donna Buell to approve the contract as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT AMENDMENT - IOWA RURAL WATER ASSOCIATION - WELLHEAD PROTECTION II

Tammie Krausman of the Environmental Services Bureau presented the following item.

The Department requests Commission approval of a contract amendment in the amount of \$180,502.36 with Iowa Rural Water Association to extend the current services to December 31, 2008.

The purpose of this amendment is to retain the Contractor to provide assistance to an addition 52 public drinking water systems to complete their source water protection plans, to protect their drinking water sources and to assist the Department in the day-to-day implementation of the Statewide Wellhead Protection/Source Water Implementation Strategy submitted to EPA in March of 2000. Currently the Department has approved 190 Source Water Protection Plans.

Funding for this contract comes from Drinking Water State Revolving Fund (DWSRF) Other Authorized Use Set-aside.

Motion was made by Francis Thicke to approve the contract amendment as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - LINN COUNTY BOARD OF HEALTH - AIR QUALITY PROGRAM

Jim McGraw of the Air Quality Bureau presented the following item.

The Department requests Commission approval of a contract in the amount of \$676,604 with the Linn County Board of Health for the ongoing implementation of the Linn County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Linn County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting Title V operating permits.

The agreement is for the period of July 1, 2006 through June 30, 2007. The agreement establishes variable payments, totaling \$676,604. This contract is funded by the air contaminant fund, \$521,847, 105 federal grant, \$119,756, and 103 federal grant, \$35,000. Linn County has a funding commitment of \$190,741. This is an increase of \$22,858 from the prior year due to increased costs of salary, benefits, and equipment maintenance.

CONTRACT – POLK COUNTY BOARD OF SUPERVISORS - AIR QUALITY PROGRAM

Jim McGraw of the Air Quality Bureau presented the following item.

The Department requests Commission approval of a contract in the amount of \$715,874 with the Polk County Board of Supervisors for the ongoing implementation of the Polk County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Polk County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting Title V operating permits.

The agreement is for the period of July 1, 2006 through June 30, 2007. The agreement establishes variable payments, totaling \$715,874. This contract is funded by the air contaminant fund, \$512,949, 105 federal grant, \$162,925, and 103 federal grant, \$40,000. Polk County has a funding commitment of \$199,861. This is an increase of \$5,410 from the prior year due to increased costs of salary and benefits.

Motion was made by Francis Thicke to approve both Contracts for Polk County and Linn County as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT – SMALL BUSINESS ENVIRONMENTAL ASSISTANCE LIAISON

Jim McGraw of the Air Quality Bureau presented the following item.

The Department requests Commission approval of a contract in the amount of \$70,000 with the Iowa Department of Economic Development (DED) for the purpose of administering a small business environmental assistance program.

Section 507 of the federal Clean Air Act Amendments of 1990, mandates a Small Business Air Quality Liaison (Liaison) position. In 2005, the Department and DED enhanced the role and focus of the Liaison position to integrate the Liaison's assistance with other DNR technical programs. The Liaison's duties will include serving as a non-regulatory contact for small businesses seeking information and assistance related to fulfilling their environmental permitting responsibilities, assisting with concerns between Iowa's small businesses and the Department, and ensuring that Department regulations are understandable. The Liaison also works closely with the Department to address evolving issues and to provide additional assistance as needed.

The agreement is for the period of July 1, 2006 through June 30, 2007. The agreement establishes cost reimbursable payments, totaling \$70,000. This contract is funded through Title V air quality permitting fees (\$50,000), Pollution Prevention funds (\$5,000), Water Quality funds (\$10,000), and Brownfield's funds (\$5,000).

Motion was made by Henry Marquard to approve the contract with IDED as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT- SFY 2007 DNR/UHL AIR QUALITY BUREAU SUPPORT CONTRACT

Jim McGraw of the Air Quality Bureau presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the University of Iowa Hygienic Lab (UHL). The agreement provides UHL support of Air Quality Bureau activities including ambient air monitoring, and asbestos sample analysis.

The agreement is for the period of July 1, 2006 through June 30, 2007. The agreement establishes variable payments, totaling \$1,812,910. This contract is funded by the air contaminant fund, \$967,171, federal grant, \$421,362, 103 federal grant, \$189,377, and livestock air monitoring fund, \$235,000. The agreement amount for last year was \$1,722,382. Increases in line items in this year's contract are associated with increased operation and maintenance, ion analysis, and staff costs. This contract has been in place with UHL for many years, we are just asking for renewal of the contract.

Motion was made by Donna Buell to approve the contact as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE: CHAPTERS 22 AND 23, AIR QUALITY PROGRAM RULES - UPDATES, REVISIONS, AND ADDITIONS

Jim McGraw, Environmental Program Supervisor presented the following information.

The Commission will be asked to approve amendments to Chapter 22 "Controlling Pollution," and Chapter 23 "Emission Standards for Contaminants," of the 567 Iowa Administrative Code.

The primary purpose of the rule changes is to adopt into the state air quality rules several federal regulations that were finalized over the last year. The rule changes also include one clarification to the state air quality rules for construction permit exemptions.

A public hearing was held on May 12, 2006. No comments were presented at the public hearing. No written comments were received prior to the close of the public comment period. The public comment period closed on May 16, 2006.

There were only two minor changes from what was published in the Notice. The changes consist of clarifications and corrections to the rule preamble for Item 3 and Item 13, and are summarized below. No changes were made to the rule text.

This rulemaking provides the following updates, revisions, and additions:

- Item 1 amends the requirements for a new or reconstructed major source of hazardous air pollutants to obtain a construction permit. The change updates the date for a federal rule citation. Although the U.S. Environmental Protection Agency (EPA) did not change the federal definition of "major source" referred to in this rule, EPA did amend the cited federal regulation to add other definitions.
- Item 2 amends Chapter 22 to clarify the construction permit exemption for laundry activities. This amendment will specify that exempted laundry activities include only washers and dryers located at a stationary source that are used to clean and dry on-site clothing, bedding, and other fabric items with water solutions of bleach or detergents.

- Item 3 amends Chapter 22 to adopt EPA's new, preferred guideline air dispersion model, AERMOD. The model replaces the current, preferred model, ISC3. The federal amendments, and the proposed state rules published in the Notice, specified November 9, 2006, as the implementation date for AERMOD. However, EPA has since indicated on its modeling website and at EPA workshops that December 9, 2006, will be the AERMOD implementation deadline. The Department will therefore not require use of AERMOD until December 9, 2006. During the transition period, the Department will accept modeling conducted with either ISC3 or AERMOD. The Department will also form a stakeholder workgroup to provide recommendations to the Department for updating its Air Dispersion Modeling Guidelines.
- Item 4 amends the Title V program definitions in Chapter 22 to add the federal definition of "area source." This term refers to nonmajor sources of hazardous air pollutants (HAPs).
- Item 5 amends the Title V program definitions to delete the chemical "methyl ethyl ketone" from the list of air pollutants. EPA recently removed this chemical from the list of HAPs.
- Item 6 amends Chapter 22 to better organize the rules that specify which sources are required to obtain Title V Operating Permits. The Department did not make any substantive changes to these requirements.
- Item 7 amends Chapter 22 to add clarity to the requirements for nonmajor (area) sources to obtain a Title V Operating Permit. The Department did not make any substantive changes to these requirements.
- Item 8 amends Chapter 22 to remove the provisions for Title V exempt sources that elect to apply for a Title V Operating Permit. This change reflects EPA's removal of these provisions from federal rules.
- Item 9 amends the Title V program rules to list sources that are now permanently exempt from the requirement to obtain a Title V Operating Permit. EPA recently finalized permanent exemptions for five categories of nonmajor (area) sources. These sources are: dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide sterilizers and secondary aluminum smelters. In 2002, EPA permanently exempted nonmajor publicly owned treatment works. The Department is adding this source category to the list of exemptions. Additionally, these changes will make the list of source category exemptions more consistent with federal regulations.
- Item 10 amends the Title V program rules to update a rule cross reference so that it is consistent with amendments made in Item 5.
- Item 11 amends Chapter 23 to adopt recent federal amendments to the new source performance standards (commonly known as NSPS). EPA amended the NSPS for steel

plants to add alternative requirements for monitoring emissions from furnace exhausts. EPA also amended the NSPS regulations for combustion turbines, for boilers used in electrical generating units, and for boilers in industrial, commercial, and institutional settings. These amendments made a number of significant changes to emission limits for particulate matter, sulfur dioxide and nitrogen oxides for these source categories.

- Item 12 amends Chapter 23 to adopt a new NSPS. EPA recently finalized the NSPS for Other Solid Waste Incineration (OSWI) units. This amendment adopts the standards for "new" OSWI. The Department is not aware of any facilities potentially subject to these standards.

EPA also finalized emission guidelines for "existing" OSWI. The Department is not proposing rules to adopt the emissions guidelines for existing OSWI at this time. The Department will first determine if there are any facilities that are potentially subject to the federal emission guidelines. If necessary, the Department will propose rules for existing OSWI at a later date.

- Item 13 amends Chapter 23 to adopt recent federal changes to the national emission standards for hazardous air pollutants for source categories (commonly known as NESHAPs). The substantive changes include the following:
 - Removal of methyl ethyl ketone from the list of hazardous air pollutants;
 - Exemption of certain area source categories from the requirement to obtain a Title V Operating Permit;
 - Retention of the health-based compliance alternatives contained in final rules for Industrial, Commercial and Institutional Boilers and Process Heaters; and
 - Amendments to the rules for Plywood and Composite Wood Products to retain and clarify the low-risk demonstration requirements and to make other technical changes. The amendments also revised the compliance deadline for the final rule to one year later than originally promulgated.

EPA withdrew its direct final amendments to the NESHAP for Refractory Products Manufacturing. As such, those federal amendments are not adopted by reference in this rulemaking.

- Item 14 adopts federal changes to the NESHAP for hazardous waste combustors to add hazardous waste solid fuel boilers, hazardous waste liquid fuel boilers, and hazardous waste hydrochloric acid production furnaces to the list of subject sources. The Department is not aware of any facilities subject to this NESHAP.

If the Commission approves these rules, they will be published in the Iowa Administrative Bulletin and adopted into the Iowa Administrative Code on July 19, 2006. The rules will become effective on August 23, 2006.

<i>Motion was made by Henry Marquard to approve the final rule – Chapters 22 and 23 as presented. Seconded by David Petty. Motion carried unanimously.</i>
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APPROVED AS PRESENTED

ATTORNEY GENERAL REFERRAL, PELLETT CHEMICAL CO., INC.

Dave Wornson asked that the Commission refer Pellett Chemical Co., Inc. to the Iowa Attorney General's office to seek enforcement of an Administrative Consent Order and assessment of civil penalties. The order requires Pellett Chemical Co., Inc. (Pellett) to comply with the Department underground storage tank (UST) rules by completing a tiered site assessment at a petroleum contaminated UST site in Wiota, Iowa.

There has been much correspondence between the Department and Pellett trying to determine what tanks they owned and were in operation. This went on for several years without getting any clear documentation on what the intentions were at the site.

In June 2002, the Department issued an Administrative order, which required named parties Garrry Pellett, Pellett Chemical Co. Inc., and Charles South to complete permanent closure of four underground storage tanks. The order required the parties to certify that the USTS had or had not been previously removed, conduct a soil and groundwater investigation of the tank site, submit tank closure report and pay a penalty to the DNR within 60 days, unless order was appealed.

In August 2002, Mr. Pellett filed an untimely appeal and claimed that two 6,000 gallon USTS had been removed and soil samples collected. The samples were not taken with Department supervision as required and were analyzed by an uncertified lab. Pellett had not taken a groundwater sample. In February 2003, the Department visited the site and obtained a groundwater sample and observed a sheen on the groundwater from a monitoring well. The sample taken indicated an exceedence of department standards. (benzene standard is 5 ppb and sample was 3,700 ppb)

Based on these groundwater samples, the department sent a compliance notice to Pellett in February 2003, requiring a tiered assessment in accordance with Department rules. A Tier 1 report was to be submitted by May 2003 and if necessary, a Tier 2 report. The department agreed to grant Pellett a limited extension to June 2003 in order to give it some time to resolve Iowa UST Fund remedial benefit issues.

On April 2003, Pellett submitted results of its own groundwater professional's sampling. The results again exceeded Department action levels. Thereafter, Pellett continued to delay commencement of the tiered assessment until found eligible for financial assistance through the Iowa UST Fund. At no time did the Department excuse non-compliance based on Pellett's unresolved Fund eligibility, although it did offer assistance and agreed to defer further enforcement for a limited time.

The Department and Pellett entered into an Administrative Consent Order on April 2004 and the Director signed in May 2004. Under the terms of the consent order, Pellett agreed to submit a Tier 1 report no later than June 2004. If the results of the Tier 1 report indicated or Pellett elected to go directly to a Tier 2, the Tier 2 report was due no later than August 2004.

The Department received a Tier 1 report in August 2005. The Tier 1 report recommended and Department rules required a Tier 2 assessment. Without granting an extension to the terms of the consent order, the Department established a schedule for submission of the Tier 2 report for September 2005. An agreement was made to have the Tier 2 report submitted by March 31, 2006. The Department has yet to receive the Tier 2 report, even though they have indicated it's in the process.

The Department requests that you refer this case given the history of this site.

John Truett, Attorney representing Pellett Co. Inc. said that Pellett Co. is involved with providing chemicals for agriculture. It is not generally involved with petroleum as with this site. Pellett provided chemicals to Charley South, up until 1999. Charley then tried to make a go of this himself. In 1999, material was put in the two 6,000 gallon tanks. The site was excavated in 1999 and both 6,000 gallon tanks were removed after the tanks were 90% emptied. Pellett only had knowledge of these two tanks that were removed. The contamination that occurred at this site is not from the two 6,000 gallon tanks but other tanks on the property. When Mr. Pellett made arrangements to remove the tanks, (not a title holder) he contacted the Atlantic field office, the DNR agent came to this site and observed the soil sampling under the 6,000 gallon tanks. Pellett is not in the retail gas business. Since Mr. South's involvement in 1999, there was a registration report from 1990, that was not Pellett's registration report. We were trying to determine the liability on who and what should be done with this site. I have no dispute of Mr. Wornson's statement of facts, but it's a bad mischaracterization for Pellett Co. when they were not even involved until 1999. And he has done what he thought to help become into compliance with the DNR. Mr. Pellett has some responsibility for the tiered studies (cost and remediation). GAB Robins indicated that there was coverage for this tiered study and that it was their responsibility. They have since changed their mind on that and that is why we have an appeal. The Tier study has taken more time than initially thought and we believed that funding was available through GAB Robins. GAB Robins through Iowa Underground Tank did fund the Tier 1 study after substantial time had passed. Mr. Wornson was informed of our steps at this time. The stage where we are is that the Tier 1 study was completed, it came back indicating that a Tier 2 study needed to be done. This was contracted out. In January, a report stated that we need to do seven more site wells. We then ran into disputes on whose financial responsibility that was. Pellett has paid, though it's pending current litigation with the Attorney General. The Tier 2 report came back to Pellett stating that more monitoring wells needed to be done. It wasn't until March this year, that anyone recognized that additional monitoring wells needed to be done at Pellett's expense. In the process, the DNR got tired of dealing with this and decided to refer this site. I ask that you table your decision until July, so we can bring the Tier 2 report before you. I'm hoping that the additional monitoring wells have been put in since last week.

The Commission discussed and asked questions about this site.

<i>Motion was made by Donna Buell to refer Pellett Chemical Co. Inc. to the Attorney General. Seconded by Mary Gail Scott. Motion carried unanimously.</i>
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REFERRED

ATTORNEY GENERAL REFERRAL, BULK PETROLEUM CORPORATION

Dave Wornson said that the Department is recommending referral to the Iowa Attorney General's office to initiate an action in Iowa District Court against Bulk Petroleum Corporation (Bulk). Bulk owns or operates at least 29 underground storage tank (UST) facilities in Iowa. Over the past several years, Department inspections of Bulk facilities have shown a continuing pattern of UST operation and maintenance violations at numerous facilities. The referral requests the Attorney General's office to seek injunctive relief with the objective of preventing future violations and the assessment of civil penalties.

In 2001 the Department issued three administrative orders covering the three Bulk owned UST facilities citing it for UST violations and assessing administrative penalties. In 2003 the Department issued an administrative⁴ order to Bulk covering three UST facilities citing UST violations and assessing penalties. The Department settled the penalty provisions of all orders but only after two of the 2001 orders were referred to the Commission for enforcement and one was scheduled for an appeal hearing. The Department believes the administrative actions in the past have been ineffective in deterring future violations.

Bulk owns or operates at least 29 underground storage tank (UST) facilities in Iowa. Department inspections over the past several years have established a continuing pattern of UST operation and maintenance violations at most of these sites. The violations include failure to conduct adequate leak detection on tanks and piping, failure to conduct required corrosion protection and failure to maintain required records to document compliance. The pattern of continuing violations indicates that Bulk has a serious problem with its own regulatory management systems.

During relevant times, Bulk may have been leased many of these UST facilities to persons and business entities which would qualify as "operators" under the law and bear equal responsibility for alleged violations. The Department has not included those parties in this referral but is recommending the Attorney General's office add operator as parties on individual sites as this information becomes available.

Dan Huffaker, Environmental Compliance Manager for Bulk Petroleum said that he started this position in January of this year. We did inquire most of these facilities from Costal and Midway Oil. Many of the tanks are old and failed. We did agree to replace in the Spring. Bulk Petroleum doubled in size without having an environmental compliance individual on staff. The operation has had difficulties with leases, though its still our responsibility for the tanks. We have financing for tank removal and upgrading. We have already spent a lot of money to do this. I have been educating the upper management of the company on the tanks and environmental compliance. I believe they now have the idea. We have developed a database to prioritize each site, contracts that are available, etc. We are also having the responsible individual(s) for each site to participate in operating training for underground storage tanks. I can't deny the historical facts of this Company, but we are moving forward. Things are changing with Bulk Petroleum. We have closed down

some sites and are continuing to do so until we are in compliance. I never received the NOV (Notice of Violation) that was sent out in April across my desk. I wasn't able to address the NOV until I received Mr. Wornson's referral. I did start making process and addressing the issues listed on the letter as stated by Dave Wornson.

Please defer your decision on this site for six months until I have the chance to show that we do have a compliance program in place.

Mary Gail Scott asked what the ongoing compliance program will be.

Dan said that's where the training comes into place and certifying individuals.

Jerry Peckumn said that it looks like Mr. Huffaker is making good progress but the referral is because of past violations.

Motion was made by Francis Thicke to refer Bulk Petroleum Co. to the Attorney General. Seconded by Sue Morrow. Motion carried unanimously.

REFERRED

**CLEAN WATER AND DRINKING WATER STATE REVOLVING LOAN FUND – 2007
INTENDED USE PLANS**

Chuck Corell, Chief of the Water Quality Bureau and Lori Beary of Iowa Finance Authority presented the following information.

Commission approval is requested for the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) Intended Use Plans (IUPs) for FY 2007. The CWSRF provides low-interest loans for wastewater and storm water infrastructure improvements and non-point source water quality projects. The CWSRF achieved a major milestone in 2006, as program funding exceeded the half billion dollar mark. Since 1989, the Iowa CWSRF has committed more than \$508 million for water quality projects. The DWSRF, in its first seven years of making loans to public water supply systems, is nearing the \$200 million mark.

In state law and under an agreement with the U.S. Environmental Protection Agency, the CWSRF is administered by the Iowa Department of Natural Resources (DNR) in partnership with the Iowa Finance Authority (IFA). DNR prepared the project priority lists and program plans, with financial strategies and information provided by IFA. Other partners include: Iowa Association of Municipal Utilities, Iowa Rural Water Association, IDALS and Soil and Water Conservation Districts, Natural Resources Conservation Service, County Boards of Health and Sanitarians, Iowa Agricultural Development Authority, Williams & Co. and participating lenders.

FY 2006 accomplishments – CWSRF hit milestone of \$500 million in loan assistance; DWSRF has loaned almost \$200 million. – Completed major revision of program rules – Preparing to

assist applicants with EA process – Expanding non-point source programs - Better addressing source water protection – Implemented planning and design loans – Completing loan transition from DNR to IFA

Our program goals include: Protecting public health and the environment, implementing effective and efficient programs, provide financial assistance at below market rates and ensure long-term sustainability of funds.

The FY 2007 IUPs include plans of action for the coming year, including goals and objectives, an analysis of current and projected financial capability, financial management strategies, the project priority lists, discussion of set-aside programs and efforts, and planned uses for administrative accounts.

Sources of funds include: Federal capitalization grants, state bonding, loan repayments and interest and loan fees.

A public meeting was held May 11, 2006 to receive comments on the proposed IUPs. Two oral comments were received at the meeting. The written comment period closed on May 24, 2006. One written comment was received. A request for a General Non-Point Source Program loan was withdrawn, but no other changes to the project priority list were made as a result of public comments.

A slideshow was presented. (A hard copy can be located in the Department's Record Center in the Wallace State Office building.)

Motion was made by Henry Marquard to approve the Clean Water and Drinking Water SRF loan as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT WITH U.S. GEOLOGICAL SURVEY (USGS) FOR LiDAR TOPOGRAPHY DATA

Chris Enslinger, DNR GIS Section Supervisor presented the following information.

Chris presented a PowerPoint presentation. (A hard copy can be located in the Department's Record Center.)

LiDAR stands for Light Detection and Ranging. It's a process of scanning the earth with lasers from an aircraft to obtain accurate elevations. It's similar to sonar (depth finder) i.e., time of travel is method of measuring distance.

The DNR is proposing to obtain LiDAR coverage and accompanying aerial photography for the entire state of Iowa over a 4-year period, during the spring, soon after snowmelt. We are desiring a spring 2007 start date. And to process LiDAR data, develop elevation maps for all

Iowa counties, and make these maps and aerial photography available for public use over the Internet. Also to include floodplain boundaries for Iowa rivers and stream.

The proposed project will generate evaluation data which is within 8 inches of actual elevations (currently available statewide data has an accuracy of +/- 5 feet.) Data will support development of 2 foot contours that meet national map accuracy standards and Federal Emergency Management Agency (FEMA) requirements. Data points used to generate elevation data will be spaced an average of 5 feet apart or less.

The data will be made available at no cost from a state website, in various formats for all Iowans. The goal would be to have data available on the website within one year of collection.

LiDAR will allow planners to greatly reduce and supplement field survey requirements for many Iowa businesses and agencies. Examples include:

- Reduction of many infrastructure planning costs
 - Roadway siting, planning and estimating
 - Utility line siting, planning and estimating
 - Soil Conservation structure (terrace, sediment ponds, etc), planning and estimating
 - Construction site planning and estimating
- Risk Assessment
 - Floodplain and flood insurance mapping
 - Erosion potential measurements and modeling
 - Emergency management and response planning
 - Dam breach inundation areas
 - Levee analysis
 - Spill routing
- Evaluating alternative infrastructure options
- Permit process improvement
 - Animal feeding operation siting with regards to floodplain and slope
 - Air emission permitting
 - Floodplain permitting for industrial/residential construction
- Education/Research
 - Environmental science
 - Engineering
 - Development of new technologies – potential for yet unimagined applications

The USGS negotiated a sole source, indefinite quantity, and contract to acquire LiDAR topography data across the United States.

The DNR strongly believes LiDAR will provide tremendous environmental benefits to the state in terms of improved water quality modeling; conservation practice placement, design, and implementation; and flood plain delineations. As such, the DNR has actively pursued partnerships with other agencies including NRCS, DOT, and the Corps of Engineers to fund the data acquisition. To date, partners have verbally committed funding for one half of the money

needed (\$2 million) to acquire LiDAR for the state. We are waiting for levels of commitment from the Iowa Department of Transportation and the US Army Corps of Engineers. If these partners commit the remaining one half, we would like to proceed with the statewide project. If they fail to commit any resources to this effort, we intend to proceed with collection over approximately one half of the state.

We must commit to a contract with the US Geological Survey on or before June 30, 2006. At this time, there are commitments from the NRCS and from our own DNR resources for \$2 million. We hope to get commitments for another 2 to 3 million dollars before June 30. We, of course, will report back to you on the final amount with the Iowa Association of Municipal Utilities to extend the current services to December 31, 2007.

Mary Gail Scott asked how this will save the DNR money?

Chris Ensminger said that we will be able to accurately do floodplain mapping, eliminates ground surveying, determines wetland populations, and aerial photo graphics of rivers and streams. It's valuable from a water infrastructure perspective.

Motion was made by Henry Marquard to approve the contract for LiDAR with USGS as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE – CHAPTER 65 –DESIGNATED WETLANDS

Gene Tinker, of the Animal Feeding Operations section presented the following item.

The Commission is requested to approve final rules to amend 567 Iowa Administrative Code Chapter 65 – Animal Feeding Operations. The amendments add a definition of “designated wetland” which will consist of the statutory definition plus a reference to the list of designated wetlands which will be available at the state law library and via the Internet. A new subrule is also added in 567 IAC 65.11 which sets forth the separation distance requirement and “grandfather” provisions for existing and specified pending confinement feeding operation structures. Iowa Code chapter 459 provides the Department of Natural Resources with statutory authority to establish a set of designated wetlands for the purpose of implementing the separation distance requirement for construction of confinement feeding operation structures as provided in Iowa Code section 459.310. This is the first attempt by the Department to establish a list of designated wetlands. Designated wetlands are defined as land designated as a protected wetland by the United States department of the interior or the department of natural resources. Eligible lands must be owned and managed by the federal government or the department of natural resources. Lands within a drainage district or levee district are not eligible.

The definition of “designated wetland” in Iowa Code subsection 459.102(21) references “protected wetland” which is defined in Iowa Code subsection 456B.1(4) as follows: “...type 3, type 4, and type 5 wetlands as described in circular 39, Wetlands of the United States, 1971 Edition, published by the United States department of the interior. However, a protected wetland does not include land where an agricultural drainage well has been plugged causing a temporary wetland or land within a drainage district or levee district.”

“Wetlands” are further defined in Iowa Code subsection 456B.1(5) as: “An area of two or more acres in a natural condition that is mostly under water or waterlogged during the spring growing season and is characterized by vegetation of hydric soils.”

Public hearings were held in Spirit Lake on January 19, 2006, Mason City on January 25, 2006, Ottumwa on January 26, 2006, and in Des Moines on January 31, 2006. No comments were received during these meetings, but a written comment was received via mail on February 1, 2006 which was the last day of the public comment period.

Motion was made by Henry Marquard to approve the final rule – Chapter 65 as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - UNIFORM ENVIRONMENTAL COVENANTS

Dave Wornson, Attorney for the Department of Natural Resources presented the following item.

The Commission approved a Notice of Intended Action (NOIA) in February, 2006 seeking public comment on these proposed rules. The NOIA was published on March 15, 2006 in the Iowa Administrative Bulletin. One public hearing was held in Des Moines and written comment was solicited.

The Department is recommending the Commission adopt the rules as proposed in the NOIA without revisions.

Motion was made by David Petty to approve the final rule for UEC as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 64 BY ADDING LANGUAGE TO START COLLECTING A FEE FOR WASTEWATER PERMITS

Chuck Corell, Water Quality Bureau Chief presented the following item.

The final rule for changes to Chapter 64 “Wastewater Construction and Operation Permits” is being presented to the Environmental Protection Commission for decision. The amendment adds language and new requirements to section 64.16 to set and implement a fee structure for wastewater permits in the state of Iowa.

The Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin on November 9, 2005 as **ARC 4652B**. Three public hearings were held through the Iowa Communications Network with notice of the hearings sent to various individuals, organizations, and associations, and to statewide news network organizations. The hearings were broadcast from Des Moines to a total of fifteen cities across the State. Comments were received from 28 persons and organizations. A responsiveness summary addressing the comments can be obtained from the Department of Natural Resources.

The adopted amendments have been modified from those published under the NOIA. The adopted amendment is modified from the one published to include changes to the fee structure made by the legislators during the 2006 Iowa Legislative Session. The adopted amendment will implement HF 2540 as amended. Also, the language concerning the fees for individual storm water only permits in 64.16(1) has been clarified, definitions of the terms “storm water only permit” and “non-storm water NPDES permit” have been added, language concerning non-storm water NPDES permit amendment requests has been clarified, and the due date for the fees has changed from those in the NOIA.

The ARRC requested that the Department perform a Regulatory Analysis of the proposed fees at their December 13, 2005 meeting. The summary of the Regulatory Analysis was published in the IAB on March 15, 2006, and a public hearing concerning the analysis was held on April 6, 2006. There were no persons in attendance at the public hearing, and no comments were received.

The following is a summary of the proposed amendments to the rules:

- Fee requirements as established in the Code of Iowa §455B.197 are added to 64.16(3)(a)(5) for NPDES General Permit No. 5 (Mining and Processing Facilities).
- The fee requirements in 64.16(3)(b) are changed to remove the annual fee option for individual storm water permits and to remove the storm water group application category.
- Definitions of the terms “storm water only permit” and “non-storm water NPDES permit” are added to 64.16(1).
- Fee requirements as established in the Code of Iowa §455B.197 are added to 64.16(3)(b) for municipal, semi-public, industrial, operation, and animal feeding operation facilities subject to NPDES permits.
- Each type of facility subject to a non-storm water NPDES permit will have an individual monetary amount associated with it, and the fees will be assessed for each facility on an annual basis.
- No annual wastewater fees will be assessed for municipal water treatment facilities (as noted in the Code of Iowa §455B.197).
- The annual non-storm water NPDES fees will be due by August 30 of each year.
- A one-time application fee as established in the Code of Iowa §455B.197 will be assessed for each non-storm water application for a NPDES permit.

- A one-time fee equal to the permit application fee will be assessed for permit amendment requests from the facility holding a non-storm water NPDES permit.
- Fee requirements as established in the Code of Iowa §455B.197 are added to 64.16(3)(c) for construction permits.
- Fees for storm water individual permits and construction permits will be assessed with the permit application.
- The rules will become effective on August 23, 2006.

Chuck Corell said that Lew Olson made comment about the \$250 NPDES fee. (page 6) We want to remove this fee from the final rule. The Legislature set fees and they declined to set fees for confinement feeding operations. We do have the authority to set fees for NPDES permits, however we do not have the authority to direct the fees back to the department.

Rich White also made comments about a change that starts on page 5. It's just a clarification on annual permit coverage. We didn't feel that it was that necessary. The rule can be implemented without their language.

Jerry Peckumn said that presenting recommend language an hour before we should be approving the final rule seems a bit inappropriate, especially if it doesn't change the ending result that much.

Motion was made by David Petty to delete #6 on page 6, relating to the \$250 NPDES fee. Seconded by Henry Marquard. Motion carried unanimously.

Motion was made by Henry Marquard to approve the final rule as amended. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS AMENDED

ENFORCEMENT REPORT

Ed Tormey, Chief Attorney for the Department of Natural Resources presented the following information.

In 2005, the Department of Natural Resources took a major step in its continuous efforts to improve our state's environment by improving its compliance and enforcement program.

A copy of the Compliance and Enforcement Report was distributed to each Commissioner. It highlights the achievements of DNR's compliance and enforcement program for 2005. Important changes took place in 2005 relating to this program in both organization and process.

These changes will be the base for improving public accountability and response, as well as agency efficiency.

In 2005, the DNR created the role of enforcement coordinator for each of its environmental programs. These enforcement coordinators make decisions and ensure consistency in enforcement with respect to each of the following:

- Animal Feeding Operations
- Air Quality
- Solid Waste
- Underground Storage Tanks/Contaminated Sites
- Water Supply
- Wastewater

DNR established priorities for compliance and enforcement for each of these six programs, based upon significant impact of violations on the environment. Statewide compliance in the priority areas should produce a noticeable improvement in the environment for all citizens of Iowa.

The DNR used the Kaizen process methodology to reassess the compliance and enforcement program. The Kaizen event in which the DNR enforcement personnel participated was very successful, and many of the goals listed below originated from the Kaizen event.

- Determine priority areas for compliance and enforcement in each of the ESD program areas. This goal has been accomplished.
- Create the role of enforcement coordinator in each of DNR's ESD programs. This goal was also met in 2005.
- That all enforcement should be taken within 24 months. This includes discovery and investigation of the violation.
- Improve the process for collecting unpaid penalties. The DNR entered into a 28E agreement with the Department of Revenue to provide additional means of collecting penalties.

Barb Lynch said that the Department is really striving to educate individuals on what preventative measures to take in order to avoid future violations and environmental contamination.

Administrative penalty money collected for most programs is returned to the state's general fund for re-appropriation as the legislature decides. Penalties collected from the animal feeding operations program goes back to fund that program.

DNR field staff are often able to work with people to resolve problems before legal action is necessary. In 2005, DNR staff in ESD field offices logged 40,033 activities. That includes investigations, responding to complaints, responding to spills and fish kills, attending public meetings, providing technical assistance and conducting more than 10,000 inspections. In all that activity, the field staff only issued 1,633 notices of violations.

Ed Tormey said that the Legal services Bureau supports the ESD programs in compliance and enforcement efforts. Cases referred to the Legal Services Bureau are resolved in one of three ways. First, legal staff may attempt to negotiate a settlement by issuing a consent order. If

settlement is unlikely, legal staff may issue an administrative order to an entity. This order contains appeal rights. Lastly, if violations are categorized as significant, a matter may be referred to the Iowa Attorney General for enforcement.

The Legal Services Bureau issued 172 new or amended order in calendar year 2005, which assessed \$468,600 in penalties.

All of these changes help create and encourage a united effort between the public and DNR to work toward a healthy and safe state.

Henry Marquard commended the Department on all enforcement efforts.

INFORMATIONAL

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
June, 2006**

Proposal	Notice to Commis	Notice Publish	Arc #	Rules Review	Hearing	Comment period	Final summary to comm.	Rules Adopted	Rules published	ARC #	Rules Review Commi	Rule effective
1. Ch. 20, 22, 31 and 33 - Air Quality Program Rules; PSD Rules	5/15/06	*6/07/06		*7/11/06	*7/10/06	*7/12/06	*8/21/06	*8/21/06	*9/13/06		*10/10/06	*10/18/06
2. Ch.												

20, 21 and 34 – Adoption of Federal Clean Air Interstate Rule (CAIR)	12/19/05	1/18/06	4823B	2/07/06	2/27/06	2/21,22/06	5/15/06	5/15/06	*6/07/06		*7/11/06	*7/12/06
3. Ch. 22, 23 – Air Quality Program Rules – Updates, Revisions and Additions	3/20/06	4/12/06	5041B	5/09/06	5/12/06	5/16/06	6/19/06	*6/19/06	*7/19/06		*8/08/06	*8/23/06
4. Ch. 23, 25 and 34 – Adoption of Federal Clean Air Mercury Rule (CAMR)	12/19/05	1/18/06	4824B	2/07/06	2/27/06	2/21,22/06	5/15/06	5/15/06	*6/07/06		*7/11/06	*7/12/06
5. Ch. 50-54 – Water Use and Water Allocation Rules	2/20/06	3/15/06	4982B	4/10/06	4/05/06	4/12/06	5/15/06	5/15/06	*6/07/06		*7/11/06	*7/12/06
6. Ch. 64 – Fee Collection for Wastewater Permits	10/17/05	11/09/05	4652B	12/13/05	11/29, 30/05 12/01/05	12/02/05	6/19/06	*6/19/06	*7/19/06		*8/08/06	*8/23/06
7. Ch 65 – Designated Wetlands	11/21/05	12/21/05	4771B	1/10/06	1/19, 25, 26, 31/06	2/01/06	6/19/06	*6/19/06	*7/19/06		*8/08/06	*8/23/06
8. Ch. 65 – Evaluation, Denial of or Condition of Construction Permits or Disapproval or Modification of MMPs for Confinement Feeding Operations	1/17/06	2/15/06	4898B	3/07/06	3/7-10/06	3/10/06	6/19/06	*6/19/06	*7/19/06		*8/08/06	*8/23/06
9. Ch. 68 – Commercial Septic Tank Cleaners; Ch. 69 – Onsite Wastewater Treatment and Disposal	3/20/06	4/12/06	5042B	5/09/06	5/3-4, 9, 10-11, 16/06	*5/17/06	*7/17/06	*7/17/06	*8/16/06		*9/06/06	*9/20/06

Systems												
10. Ch. 105 – Organic Materials Composting Facilities	1/17/06	2/15/06	4893B	3/07/06	3/15/06	3/15/06	5/15/06	5/15/06	*6/06/06		*7/11/06	*7/12/06
11. Ch. 135 – Uniform Environmental Covenants Policy and Procedures	2/20/06	3/15/06	4983B	4/04/06	4/05/06	4/07/06	6/19/06	*6/19/06	*7/19/06		*8/08/06	*8/23/06
12. Ch. 144 – Household Hazardous Materials	12/19/05	1/18/06	4824B	2/07/06	2/08/06	2/08/06	4/17/06	4/17/06	5/10/06	5091B	NR	6/14/06

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period May 1, 2006, through May 30, 2006, 6 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot Application	Confinement	Land	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	13 (15)	1 (0)	2 (6)	1 (6)	9 (3)	12 (13)	1 (2)	0 (0)	0 (0)	1 (2)
November	8 (9)	0 (2)	1 (4)	3 (1)	4 (2)	6 (6)	2 (2)	0 (0)	0 (1)	1 (1)
December	2 (2)	0 (0)	1 (2)	0 (0)	1 (0)	0 (2)	2 (0)	0 (0)	0 (0)	0 (0)
January	3 (0)	0 (0)	2 (0)	1 (0)	0 (0)	1 (0)	2 (0)	0 (0)	0 (0)	0 (0)
February	2 (1)	0 (0)	1 (0)	0 (0)	1 (1)	1 (0)	1 (0)	0 (1)	0 (0)	0 (0)
March	2 (1)	1 (0)	1 (1)	0 (0)	0 (0)	0 (0)	2 (1)	0 (0)	0 (0)	2 (1)
April	6 (6)	0 (0)	2 (2)	2 (1)	2 (3)	6 (5)	0 (1)	0 (0)	0 (0)	1 (0)
May	6 (3)	0 (1)	3 (1)	3 (0)	0 (1)	5 (2)	1 (1)	0 (0)	0 (0)	0 (0)

Environmental Protection Commission Minutes

June 2006

June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	42 (37)	2 (3)	13 (16)	10 (8)	17 (10)	31 (28)	11 (7)	0 (1)	0 (1)	5 (4)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	1	4	0	0	0

DATE: June 1, 2006**TO:** EPC**FROM:** Ed Tormey**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Midway Water & Lighting Co., Marion (1)	Drinking Water	Compliance Schedule; Public Notice	Consent Amendment	5/08/06
Schaller, City of (3)	Wastewater	Discharge Limits; Operational Violations	Consent Order Stip. Penalties	5/08/06
St. Ansgar, City of (2)	Wastewater	Operational Violations	Consent Order	5/08/06

E00June-55

Stip. Penalties					
Shell Rock Products, Inc. Shell Rock (2)	Drinking Water	Monitoring/Reporting Bacteria, Nitrate; Notice	– Public	Consent Order \$500/\$1,000 SEP	5/12/06
Ernest John Smith; Smith Fertilizer and Grain Co. Knoxville (5)	Air Quality Solid Waste	Open Burning; Disposal	Illegal	Consent Order \$3,000	5/09/06
Puck Custom Enterprises Natural Pork Production Shelby Co. (4)	Animal Feeding Operation	Land Application Distance	Separation	Recision of Admin. Order	5/12/06
James L. Heal; A-1 American; A-1 Imports, Homestead (6)	Wastewater Solid Waste	Stormwater – Without Permit; Disposal	Operation Illegal	Admin. Order \$10,000	5/18/06
Rock Valley Rural Water, Rock Valley (3)	Drinking Water	Construction Without Permit		Consent Order \$8,000	5/23/06
Traer Municipal Utilities, Traer (5)	Air Quality	Construction Permit	Contrary to	Consent Order \$2,250	5/23/06
Marvin Bates, Louisa Co. (6)	Wastewater Air Quality Solid Waste	Stormwater – Without Permit; Burning; Illegal Disposal	Operation Open	Consent Amendment	5/30/06
Rex Wagner dba Star Video, Storm Lake (3)	Underground Tank	Registration		Consent Order \$6,000	5/30/06
Harvey Driesen, Rock Valley (3)	Animal Feeding Operation	Failure to Update Plan		Order/Penalty \$3,000	5/31/06

**IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU**

DATE: June 1, 2006
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	3-15-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Donald and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/SW	242	3-08-02
Charlotte Caves (Oskaloosa)	HC	10,000	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	3,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
	UT	32,690	2-28-03
U.S. PETRO, INC.; SSJG PETROLEUM; SUKHDEV SINGH			
	UT	44,900	2-28-03
MIDWAY OIL CO.; DAVID REQUET; JOHN BLISS			
Duane Crees (Muscatine Co.)	AQ/SW	963	3-01-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	2,458	12-15-03
Robert L. Nelson (Orient)	UT	657	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	750	7-12-04

James L. Heal d/b/a A-1 Domestics (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	1,900	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	931	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
#*James Boller (Kalona)	AFO	4,304	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Roquette America, Inc. (Keokuk)	WW	10,000	3-04-05
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	4,300	4-09-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
#*Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,658	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	8,849	6-10-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
David Carlisle (Ringgold Co.)	SW	3,500	7-23-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
# Sunray Pork, Ltd.; Tweedie Finisher Farm (Pocahontas Co.)	AFO	3,000	12-06-05
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	8,500	12-29-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
* Paul Shimp & S & V Fence Co. (Eldridge) (\$950/SEP)	AQ	550	1-16-06
Iowa Regional Utilities Assoc.	WS	8,400	1-19-06
# Joel McNeil (Kossuth Co.)	AFO	2,500	1-21-06
# Dale Schumann (Buena Vista Co.)	AFO	4,000	1-29-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,500	2-03-06
TOMA Properties, LLC (Washington)	WS	1,000	2-17-06
* John Danker (Lee Co.)	AQ/SW	4,440	2-22-06
Robert Plendl; Plendl Brothers Trucking (Kingsley)	UT	3,000	2-25-06
Anamosa, City of	WW	4,500	3-17-06
#*Randy Hauan (Winnebago Co.)	AFO	1,092	4-03-06
Larry Bergen (Worth Co.)	AQ/SW	2,000	4-28-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	1,500	5-01-06
#*Paul Rehder (O'Brien Co.)	AFO	1,875	5-01-06
* Dennis Gailey (Moorland)	AQ/SW	2,200	5-01-06
Jeff Albrecht (Humboldt Co.)	AQ	500	5-06-06
Edward Branstad; Jordan Branstad (Winnebago Co.)	AQ/SW	8,000	5-10-06
# Bruce and Jill Rewoldt (Hardin Co.)	AFO	8,000	5-17-06
CRM Enterprises; Envirobrest, Inc. (Iowa City)	AQ	7,000	5-21-06
V. A. Enterprises, Inc. (Williamsburg)	WW	2,000	5-26-06
* Dan Waterman; Waterman Backhoe; Waterman Septic (Maurice)	WW	1,000	6-01-06
* Curt Kline; Connie Kline (Dunlap)	AQ	3,000	6-01-06

Environmental Protection Commission Minutes

June 2006

* Country Terrace Mobile Home Park (Ames)	WW	1,900	6-01-06
#*Rick Nikkel (Jasper Co.)	AFO	2,250	6-01-06
#*Galen Drent (Boyden)	AFO	3,004	6-01-06
* Crestview Mobile Home Park (Ames)	WW	4,000	6-01-06
#*Rick Halma (Lyon Co.)	AFO	2,400	6-01-06
Ernest J. Smith; Smith Fertilizer & Grain (Knoxville)	AQ/SW	3,000	6-09-06
West Central Cooperative (Ralston)	WW	3,000	6-12-06
#*Gary R. Johnson (Allamakee Co.)	AFO	1,000	6-15-06
* Fred Miller; Earthworks Contracting (Quimby)	AQ	9,152	6-15-06
Point Builders LLC; Steve Crawford (Mason City)	WW	2,000	6-16-06
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	6-18-06
* Midway Water & Lighting Co., Inc. (Marion)	WS	2,400	6-20-06
#*Greg Gerber (Lyon Co.)	AFO	375	6-21-06
#*E & N Farms, Ltd. (Lyon Co.)	AFO	2,000	7-01-06
#*John Kajewski (Cylinder)	AFO	750	7-01-06
* Wayne Staab (Plymouth Co.)	AQ	750	7-01-06
#*Randy Gergen; R & D Farms (Sioux Co.)	AFO	2,625	7-15-06
#*Dennis Kuehl (Cass Co.)	AFO	1,500	10-15-06
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Rock Valley Rural Water System	WS	8,000	-----
Traer Municipal Utilities	AQ	2,250	-----
Rex Wagener dba Star Video (Storm Lake)	UT	6,000	-----
# Harvey Driesen (Sioux Co.)	AFO	3,000	-----
TOTAL		543,833	

The following cases have been referred to the Attorney General:

Long Branch Tavern (Monmouth)	WS	100
Long Branch Tavern (Monmouth)	WS	6,400
Long Branch Tavern (Monmouth)	WS	200
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750
# Jim Dos (Black Hawk Co.)	AFO	3,000
# Travis Aldag (Ida Co.)	AFO	3,000
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070
Relative, Inc.; Doug Smuck (Des Moines)	UT	600
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000
Randy Ballard (Fayette Co.)	FP	2,000
Edward Bodensteiner (Des Moines)	UT	3,200
Hofer's Danceland Ballroom (Walford)	WS	3,200
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000
#*Harold Unternahrer (Washington Co.)	AFO	700
Hofer's Danceland Ballroom (Walford)	WS	100
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800
Jim Walker (Johnson Co.)	AQ/SW	3,000
Iowa Millenium Investors, LLC (Sumner)	UT	4,000
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000

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Plain Salvage Inc. (Sac City)	AQ/SW	10,000
Wisconsin North dba National Petroleum (Clinton)	UT	2,840
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Marvin Oberly (Burlington)	WW	1,300
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500
Richard Davis (Monroe Co.)	AQ	8,000
Honey Creek Campground (Crescent)	WS	1,000
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000
Mobile World LC (Camanche)	AQ/SW	10,000
Oran Pub & Grill (Fairbank)	WS	100
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000
John Jolin; Michael Kolbold (Sioux City)	UT	5,260
Dave Paplow (Indianola)	AQ/SW	5,000
Meadow Mist Motel (Fayette Co.)	WS	500
Park View Motel (Oelwein)	WS	750
Plantation Village Mobile Home Park (Burlington)	WS	500
# Dean Pedersen (Pocahontas Co.)	AFO	450
TOTAL		164,480

The following administrative penalties have been appealed:

AMOUNT	NAME/LOCATION	PROGRAM	
	Dallas County Care Facility (Adel)	WW	2,500
	Gerald and Judith Vens (Scott Co.)	FP	5,000
#	Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
#	Dan Witt (Clinton Co.)	AFO	3,000
	Dallas County Care Facility (Adel)	WW	5,000
	Kevin Wallerich (Keota)	SW/WW	500
#	Doug Wedemeyer (Adair Co.)	AFO	2,500
	Mt. Pleasant, City of	WW	500
#	Kenneth Dahlhauser (Whittemore)	AFO	2,500
	Stanley Siems (Hardin Co.)	AQ/SW	10,000
	Schell Family Partnership (Boone Co.)	HC/SW	5,000
	Chelsea, City of	WW	3,000
#	Doug Osweiler (South English)	AFO	5,000
#	Ray Slach (Cedar Co.)	AFO	3,000
#	Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
#	Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
	Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
#	Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
#	D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
#	Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
#	Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
	Country Living MHP (Altoona)	WW	5,000
	Strawberry Point, City of	WW	10,000
	B & H Food & Gas, Inc. (Davenport)	UT	10,000
	U.S. Nation Mart, Inc. (Davenport)	UT	10,000
	Tegh, Inc. (Bettendorf)	UT	8,500
#	Jeff Holland (Winnebago Co.)	AFO	5,500
	Pocahontas, City of	WW	5,000

# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Alton, City of	FP	5,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Dirk Graves (Glenwood)	AQ	1,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500
Reginald Parcel (Henry Co.)	AQ/SW	1,000
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
# Douglas J. Pudenz (Carroll Co.)	AFO	8,000
# Scott Lenz (Carroll Co.)	AFO	8,000
Jack and Mary Hemmingson; Gold Key Motel (Hampton)	WS	5,215
# Maridale Farms, LLC dba Wirtjers Finisher Farm (Sac Co.)	AFO	3,000
# Larry Krogman (Lyon Co.)	AFO	3,000
# Alan Bakker (Sioux Co.)	AFO	6,000

TOTAL 413,702

The following administrative penalties were paid last month:

AMOUNT	NAME/LOCATION	PROGRAM	
# William Mauw; Mauw's Egg Ranch (Sioux Co.)	AFO	3,000	
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100	
# Rick Halma (Lyon Co.)	AFO	300	
Shell Rock Products(Milford)	WS	500	
* Crestview Mobile Home Park (Ames)	WW	250	
#*Tony Mertens (Mt. Pleasant)	AFO	666	
#*Rick Nikkel (Jasper Co.)	AFO	250	
#*Galen Drent (Boyden)	AFO	166	
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	1,000	
* Fred Miller; Earthworks Contracting (Quimby)	AQ	416	
* Midway Water & Lighting Co., Inc. (Marion)	WS	100	
#*Greg Gerber (Lyon Co.)	AFO	250	
Dan Waterman; Waterman Backhoe; Waterman Septic (Maurice)	WW	1,000	
#*E & N Farms, Ltd. (Lyon Co.)	AFO	200	
IPSCO Steel, Inc. (Muscatine)	AQ	1,000	
* Country Terrace Mobile Home Park (Ames)	WW	110	
#*Gary R. Johnson (Allamakee Co.)	AFO	500	
# Tim Kamstra (O'Brien Co.)	AFO	2,250	
Mehmert Tiling, Inc. (Cresco) (Offset)	UT	1,151	
Spencer Municipal Hospital (Spencer)	AQ	4,450	
		17,660	
	TOTAL		

The following penalties were collected by Revenue during the Month of May.

Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison) PAID IN FULL	AQ	3,100
Ranch Supper Club (Swisher)	WS	100
John Jolin; Michael Kolbold (Sioux City)	UT	500
Ossian Agri Center, Inc. (Ossian)	WW/HC	319.29
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	225
Shane Preder (Ft. Madison)	AQ	68.20
Robert L. Nelson (Orient)	UT	206
#*James Boller (Kalona)	AFO	12.82
Shane Preder (Ft. Madison)	AQ	181.65
Ossian Agri Center, Inc. (Ossian)	WW/HC	750
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	2,425
Robert L. Nelson (Orient)	UT	14.74
TOTAL MONIES RECEIVED IN MAY		25,561

Attorney General Referrals

Name, Location, and Region number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed Answer Filed	7/18/05 11/29/05 12/01/05
Boyer, William Boyer's Sand & Rock Hawarden UPDATED	(3) Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed Answer Filed Consent Decree (\$3,000/Civil; Injunction)	7/18/05 12/07/05 12/23/05 5/08/06
CDI, LLC Forest City UPDATED	(2) Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Consent Decree (\$141,200/Civil; Injunction)	4/28/05 5/25/06 5/30/06
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Dos, Jim Black Hawk Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed Answer Filed Trial Date	7/18/05 11/29/05 12/28/05 11/06/06
Farmers Co-Operative Society Sioux Center (3)	Animal Feeding Operation	Discharge Limits; Prohibited Discharge – Confinement/Open Feedlot; Land Application Separation Distance; Failure to Report a Release; WQ Violations – General Criteria	Referred to Attorney General	Referred	3/20/06
Ginger, Roger Everly UPDATED	(3) Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed Answer Filed Motion for Partial Summary Judgment Consent Decree (Injunction)	5/15/05 12/07/05 11/25/05 3/20/06 5/26/06
Grain Processing Corp. Muscatine (6)	Air Quality	Emission Standards	Referred to Attorney General	Referred	2/21/05
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	12/19/05
Landfill of Des Moines #4 Des Moines (5)	Solid Waste	Operation Permit Violations – Other	Referred to Attorney General	Referred	4/17/06

Mobile World LC					Referred	8/16/04
Camanche	(6)	Air Quality	Illegal Disposal	Order/Penalty	Petition Filed	4/08/05
UPDATED		Solid Waste	Open Burning		Bankruptcy Petition Filed	4/13/05
					Plan for Reorganization	4/13/05
					Appearance by State in	6/17/05
					Bankruptcy	3/03/06
					Notice of Intent to Seek	3/08/06
					Default	11/19/06
					Appearance by Defendant	
					Trial Date	

Moellers, Kenneth Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred	2/20/06
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Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense	Petition Filed	8/29/03
				DNR's Answer	9/25/03
				NICCW's Application for Stay	10/21/03
				NICCW's Brief for Stay	10/21/03
				DNR's Resistance	11/05/03
				DNR's Brief in Resistance	11/14/03
				Hearing on Motion	12/22/03
				Ruling Denying Stay	1/29/04
				NICCW's Motion to Reconsider	2/04/04
				DNR's Resistance	3/01/04
				DNR's Resistance	4/08/04
				Hearing on Motion to Reconsider	4/20/04
				Ruling Denying Motion to Reconsider	4/28/04
				NICCW's Application for Interlocutory Appeal	5/11/04
				DNR's Resistance to Interlocutory Appeal	6/08/04
				Supreme Court Order Denying NICCW's Appeal	2/25/05
				NICCW's Motion for Summary Judgment	2/27/06
				Trial Date	5/16/05
				State's Brief in Resistance to Motion for Partial Summary	6/02/05
					6/22/05
					11/04/05

				Judgment	11/30/05
				Hearing on Motion for Partial	12/19/05
				Summary Judgment	2/22/06
				Ruling Granting Partial	3/28/06
				Summary Judgment	
				Agriprocessor's Variance	
				Application	
				IDNR's Variance Approval	
				EPC's Review of Variances	
				Draft NPDES Permit	
				Amendment	
				Public Hearing Date	
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Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline Order Reinstating \$100,000 Civil Penalty	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04 1/05/05
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Pedersen, Dean Laurens (3)	Animal Feeding Operation	Failure to Update Plan	Referred to Attorney General	Referred	4/17/06
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Peterson, David Lake Mills (2)	Animal Feeding Operation	Application in Excess of Crop Usage Rate; Prohibited Discharge – Confinement; Failure to Report a Release; WQ Violations – General Criteria	Referred to Attorney General	Referred	11/21/05
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Plymouth Dairy Farms Plymouth Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred to Attorney General	Referred Petition Filed	9/19/05 1/10/06

Robertson, Ryan Jefferson Co. (6)	Wastewater	Stormwater Violations	Permit	Referred to Attorney General	Referred Petition Filed Trial Date	4/27/05 9/26/05 8/30/06
Roney, Jerry Huxley (5)	Underground Tank	Site Assessment	Order		Referred Petition Filed Application for Default Order Granting Default Motion to Set Aside Default Order Setting Aside Default Trial Date	5/16/05 12/08/05 1/13/06 1/31/06 2/17/06 3/14/06 6/08/06
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense		Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date Motion for Continuance Order Granting Continuance Trial Date	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05 6/29/05 6/29/05 4/24/06
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties		Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Temporary Injunction Hearing Temporary Injunction Granted Contempt Hearing Date Contempt Hearing Order Finding Defendant in Contempt \$3,000 Fine Amended Petition	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05 5/03/05 7/06/05 8/05/05 8/05/05 1/31/06
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense		Petition Filed Answer Filed	10/18/04 11/04/04
SK Food & Fuel Davenport UPDATED UST 8606991/1511 Locust	(6) Underground Tank	UST Deficiencies; Check	System Site	Referred to Attorney General	Referred Petition Filed Consent Decree (10,000/Civil; Injunction)	7/18/05 12/07/05 5/18/06

Stone v. Rembrandt Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Ruling Dismissing Damage Claims State's Motion for Summary Judgment Order Granting Continuance Hearing on Summary Judgment	12/06/04 1/10/05 3/07/05 5/17/05 2/27/06 3/20/06 5/01/06
UPDATED					
Williams, Dean Stuart	(2) Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed Answer Filed Motion for Partial Summary Judgment	10/17/05 12/08/05 12/23/05 6/05/06
UPDATED					

Contested Case Status Report

4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new

						schedule.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
10/01/02	Stan Siems	2	Order/Penalty	AQ/S W	Tack	Default judgement entered 4/12/06.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/H C	Tack	Follow-up letter sent 4/17/06. Working through Brownsfields process.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Proccessing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 10/05 – Status report requested from Dept. engineer. 11/05 – Facility upgrade completed. New NPDES permit requested for upgraded facility. 12/16/05 – Settlement offer received from MHP attorney.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	TEGH, Inc. no longer operator; questionable as a viable corporation. Review options.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	B & H no longer operator; questionable as a viable

						corporation. Review options.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Proposed settlement terms.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmalt d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/W W	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Hearing set for 6/12/06. Pre-hearing conference set for 5/02/06.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Hearing set for 6/12/06. Pre-hearing conference set for 5/02/06.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Hearing set for 6/12/06. Pre-hearing conference set for 5/02/06.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before filing.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	Hearing rescheduled for 6/30/06.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/S W/WW	Tack	Request for hearing sent to DIA on 4/13/06.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	WW Permits drafted NPDES permit with revised permit limits and compliance schedule. Legal Services to draft amended order with interim limits.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	Waiting on response from company.

10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	To be set for hearing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/S W	Tack	Cleaning up property.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	To be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	Hearing rescheduled for 6/30/06.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	Order/Penalty	AFO	Tack	Request for hearing sent to DIA on 4/13/06.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Order and penalty affirmed.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	Order and majority of penalty affirmed.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Hearing set for 5/09/06. Motion to compel, discovery filed. Pre-hearing conference set for 4/25/06.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	To be set for hearing.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	Settlement conference scheduled for October.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05. No response received. To be set for hearing.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/S W	Preziosi	Amended order issued. 3/28/06 – Amended order appealed. Setting up settlement meeting.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	12/07/05 – Telephone call with Honey Creek attorney regarding hearing and compliance issues. 3/22/06 – Meeting at FO 4 with wastewater owner and attorney. 4/5/06 – FO4 inspection of campground.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Hearing set for 6/12/06. Pre-hearing conference set for 5/2/06.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/S W	Tack	Clean-up underway.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC 05-UT-02/Brady St., Davenport 8606991	6	Order/Penalty	UT	Wornson	Refer to DIA to be set for hearing.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	Hearing reset for 5/09/06. Pre-hearing conference set for 4/25/06.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
3/25/05	Colleen Weber	2	Order/Penalty	AQ/S W	Tack	Proposed decision upholding order issued on 4/04/06. Appeal to EPC filed on 4/21/06.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	Settlement conference 10/27/05. UST closed in Dec., reserved penalty settlement.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Clean –up underway.
5/02/05	Goettsch Trucking and Seed Co.	3	Order/Penalty	HC	Wornson	Negotiating before filing.

5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	Negotiating before filing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Meeting on hold due to other violations.
8/11/05	Douglas Pudenz	4	Order/Penalty	AFO	Book	Meeting held 1/11/06.
11/21/05	CDI, LLC	2	Construction Permit	AQ	Preziosi	Negotiating before filing.
1/27/06	Gold Key Motel	2	Order/Penalty	WS	Hansen	4/25/06 – Settlement offer discussed with WS owner rejected.
2/16/06	Maridale Farms LLC	3	Order/Penalty	AFO	Book	Negotiating before filing.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
3/23/06	Larry Krogman	3	Order/Penalty	AFO	Book	Negotiating before filing.
3/28/06	Jordan Branstad; Edward Branstad	2	Order/Penalty	AQ/S W	Preziosi	Negotiating before filing.
4/07/06	Alan Bakker	3	Order/Penalty	AFO	Book	New case.

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period May 1, 2006 through May 30, 2006, 11 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '05	11(9)	0.672	0.691	3	0(0)
November '05	7(11)	0.167	0.045	2	0(0)
December '05	7(7)	0.028	0.010	2	0(0)
January '06	10(6)	0.441	0.002	2	0(0)
February '06	6(9)	0.238	0.006	2	0(0)
March '06	12(9)	0.155	0.026	1	0(0)
April '06	12(14)	0.073	0.134	2	0(0)
May '06	11(18)	0.135	0.004	3	0(0)
June '05	7(7)	0.262	0.068	0	0(0)
July '05	5(3)	0.454	0.004	3	0(0)
August '05	8(13)	0.072	0.019	3	0(0)
September '05	3(5)	0.361	0.003	0	0(0)

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(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
2	0	2	1	4	2

GENERAL DISCUSSION

Wayne Gieselman thanked Rathbun Regional Water Association for hosting the meeting and tours.

NEXT MEETING DATES

July 17, 2006

August 21, 2006

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Jerry Peckumn adjourned the meeting at 4:50 p.m., Monday, June 19, 2006.

Jeffrey R. Vonk, Director

Jerry Peckumn, Chair

Lisa Davis Cook, Secretary

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